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Journal of the Senate of the State of Alabama at its called Session

Monday April the 19th 1841.

On the 19th day of April in the year of our Lord one thousand eight hundred and forty one being the third Monday in said month and the day on which the General Assembly of the State of Alabama were called together by the Proclamation of his Excellency Arthur P. Bagby Governor of the State, the following Senators appeared in the Senate Chamber of the State Capitol and took their Seats to wit:

From the Senatorial District composed of the Counties of

Autauga and Coosa —
Benton
Butler & Pike
Chero Kee & De Kalb
Clarke, Baldwin & Washington
Conecuh
Henry, Covington & Dale
Jefferson
Lauderdale
Lawrence
Limestone
Lowndes
Macon & Tallapoosa
Marshall & Blount
Mobile
Marion & Fayette
Monroe & Conecuh
Morgan & Jim Crow
Pickens
St. Clair & Jefferson
Tuscaloosa
Montgomery
Marengo
Sumpter
Randolph & Chambers
Perry.
Shelby
Dallas
Wilcox

Dixon Hall
John R. Clarke
Jesse Womack
Thomas E. Smith
Edward M. Cowgill
B. Hudson
A. McA. Allister
Wm. Wilson
Hugh McVay
Hugh M. McGehee
Nathaniel Terry
J. L. H. Cottrell
Saml. C. Dailey
Emri Lloyd
J. L. Saulmier
B. M. Wilson
L. St. Andrews
Green P. Rice
Peyton King
C. C. P. Tarver
Felix G. McConnell
Saml. C. Oliver
Wm. J. Alston
John Edmund Jones
George Reese
Henry C. Lea
Dennis Dent —
Wm S. Phillips
Danl. C. Watson
Walter R. Fuqua.

The Honble L. L. J. Cottrell Pres.t of the Senate at its last annual session, resumed the Chair & called the Senate to order.

Pleasant Hill resuming his duties as Secty. & Wm. S. Taylor as Door Keeper.

On motion of Mr Price the Senate proceeded to elect an Asst Secty. to fill the vacancy caused by the absence of Geo. Gordon Esqr.

Geo. B. Cotherall & Jas. Thompson being nominations. Those who voted for Mr. Cotherall are Messrs. President, Allison, Andrews, Cowpe Dent, Farrar, Hall, Kirk, Lee McConnell, Oliver, Phillips, Price Rodgers, Scott, Simmons, Watrous & Womack — 18.

Those who voted for Mr. Thompson are Messrs Clough, Dailey, Hudson, Jones Lloyd, McAllister, McCoy Reese, Rich, Smith, Wilson of Jeff. & Wilson of Jno. Ross. — 12.

Mr. Geo. B. Cotherall having received a majority of all the votes given was declared by Mr. President duly & Constitutionally appointed Asst. Secty. of the Senate, was qualified & entered on the discharge of his duties

Mr. Hudson offered the following resolution which was adopted

Resolved that the House of Representatives be informed that the Senate is now organized & is ready to proceed to business, having elected Geo. B. Cotherall Asst. Secty. of the Senate in place of Mr. Gordon, who has failed to attend

On motion of Mr Hudson, Resolved that the Standing rules adopted for the government of the Senate shall be the Standing rules for the government of the Senate at its present session until otherwise altered.

Mr Hudson offered the following resolution which was adopted, to wit:

Resolved that the President of the Senate appoint the usual Standing Committees, and report the same to the Senate at as early a day as convenient.

Mr Reese offered the following resolution which was adopted, to wit:

Resolved by the Senate that a committee of three be appointed to act jointly with such committee as may be appointed on the part of the House of Representatives to wait upon his Excellency the Governor and inform him that the two Houses are now organized, and ready to receive any communications which he may deem proper to make— Messrs Reese and McWay were appointed said Committee on the part of the Senate.

On motion of Mr Hudson, Resolved That the Door Keeper of the Senate be authorized to furnish fuel and stationary for the use of the Senate during the present session.

Mr Dent moved that when the Senate adjourn it will adjourn to meet at 9 O, Clock to morrow morning which was carried.

Mr Dent introduced a bill to be entitled an act to compensate Elijah Hornburger, which was read the first time— On motion of Mr Dent the Constitutional rule requiring bills to be read on three several days was dispensed with and the bill was read a second time forthwith and referred to the Committee on accounts and claims.

Mr Lea introduced a Bill to be entitled an Act to ~~establish~~ abolish the General Ticket System in elections for Representatives in Congress from the State of Alabama Approved January the 1st 1841, which was read a first time— Mr Terry moved to postpone it indefinitely upon which motion the yeas and nays were demanded.

Yeas 17
Nays 10

Those who voted in the affirmative are. Messrs President Clarke Enoch Farrar Hudson Hall Jones Lloyd McAllister. ~~[illegible]~~ Reese Rice Rodgers Smith Terry Landrum Wilson of Hand Wilson of S.

Those who voted in the negative are. Messrs Bailey Dent King Lea. McVay Oliver Phillips Ross Watrous and Worman R— The motion prevailed

A Message from the House of Representatives by Mr Phelan their assistant Clerk.

Mr President— I am instructed by the House of Representatives to inform the Senate That the House of Representatives has assembled and has elected James H. Owen Door

Keeper and Joseph Stroup. Referred in place of Barnes & Dewees resigned, which was laid upon the table

Mr Phillips introduced a Bill to be entitled An act to change an election precinct in the County of Ballard which was read a first time — On motion of Mr. Phillips the Constitutional rule requiring bills to be read on three several days was dispensed with and the bill was read a second time — and on motion of the same the Constitutional rule was further dispensed with and the bill was read a third time forthwith and passed the Senate

Ordered that it's title remain unchanged

Ordered that it be sent to the House of Representatives for it's Concurrence.

Mr Oliver offered the following Resolution which was adopted to wit

Resolved That the Committee on the State Bank Enquire into the propriety of extending the provisions of the act authorizing the suspension of specie payments by the State Bank and it's several branches and report by bill or otherwise

Mr Smith offered a Joint Memorial of the General assembly of the State of Alabama in relation to a Land District in the Cherokee nation, which was read and adopted.

Mr. Rice offered the following Resolution

Resolved by the Senate with the concurrence of the House of Representatives, That hereafter this General Assembly will do no Legislative business except that for which they were especially convened by the proclamation of his Excellency the Governor which resolution Mr Phillips moved to lay upon the table & the yeas & noes were demanded

Yeas 23.
Nays 5.

Those who voted in the affirmative are,

Messrs - Alston	Andrews	Clarke	Creagh
Bailey	Dent	Hudson	Hall
Bird	Lea	Lloyd	McAllister
McKay	Oliver	Phillips	Rogers
Roe	Smith	Southall	Southall
Wilson of J.	&	Vowell	

Those who voted in the negative are
Messrs. President. Favor. Reese. Rice & Terry
The motion to lay upon the table prevailed
A Message was received from
the House of Representatives by Mr. Phelan
Mr. President The House of Represen-
tatives has adopted the following resolution
Resolved that a committee of three members
be appointed by the House of Representatives
to act with such committee as may be appointed
on the part of the Senate to inform the Governor
that the two Houses are now convened in ac-
-cordance with the proclamation of the Governor
& are now ready to receive any communication
he may think proper to make & have ap-
pointed Messrs. Davis of Autauga, Reynolds
& Moore of Madison, said Committee on the
part of the House -
On motion of Mr. Lee the Message
was ordered to lay on the table
Mr. Watrous introduced a bill to be
entitled - "An act to change the time of hold-
ing the Circuit courts of the County of Jefferson
which was read a first time, on motion of Mr. Watrous
the Constitutional rule was suspended, & the bill
was read a second time forthwith.
On motion of Mr. Favor the bill was then
referred to a select committee; consisting of
Messrs. Favor Watrous & Phillips
On motion of Mr. Hudson the Senate
then Adjourned -

Tuesday Morning
April the 20.th 1841.
The Senate met pursuant to adjournment.
Daniel B. Turner from the County of Madison
appeared in the Senate Chamber and took his
Seat.
Mr. Youtsey presented the Petition of Thomas
Mc. Millian and others of the City of Mobile in
relation to the Compensation and Storage of Cotton;
the reading of which was dispensed with and
on motion referred to the Committee on the
Judiciary.

Mr. McVay presented a petition from the Board of Internal Canal Commissioners asking the Legislature to make additional appropriations for the Completion of said work which was read and on motion of Mr. McVay referred to a Select Committee, Consisting of Messrs. McVay Terry and Turner.

Mr President announced from the Chair, the following Standing Committees to wit:

On Propositions and Grievances — Messrs. McVay Andrews Keach Turner Toulmin and Watrous.

On Enrolled Bills — Messrs Smith Ross Wilson of J. Rodgers and Womack.

On the Judiciary — Messrs Rice Wilson of Fayette Lea, Phillips Alston McConnell Watrous Buford and Thornton.

On Privileges and Elections — Messrs Wilson of J. Reese. McAllister Thornton Watrous Rice and Ross.

On Internal Improvement and Inland Navigation — Messrs Lea, Reese, King of Ham. Wilson of J. McVay, Bailey, Phillips Alston and Oliver.

On Roads Bridges and Ferries — Messrs Turner, Hudson, Ross, Lloyd, King and Clarke

On Contingent Expenditures — Messrs McConnell Womack, McAllister Rodgers Watrous and Bailey.

On Education — Messrs Oliver of Jones, King of Keach, Clarke, Bailey, Buford and Lea.

On the State Capitol — Messrs Dent Hall Farrar, Andrews Toulmin and Turner.

On the State Bank — Messrs Terry Turner Oliver Clarke, Jones of Dent, Toulmin, Hall McVay, Lea and Thornton.

On Military Affairs — Messrs Toulmin Dent Farrar, Ross, Keach, McAllister and Buford.

On Divorce and Alimony — Messrs Alston, Farrar, McVay, Lloyd, Rodgers, Andrews and Womack.

On State Printing — Messrs Keach Hudson, Rodgers, McAllister, Turner, Dent and Andrews.

On Accounts and Claims — Messrs Hudson, Keach, Clarke, Dent, Reese, Smith and Alston.

On Indian Expenditures — Messrs McAllister Dent McConnell Dailey Wilson of S. Smith and Wilson of Fayette.

On the Penitentiary — Messrs Hall Oliver Reese Dailey Lloyd Jones Toulmin and Buford

On Retrenchment — Messrs Clarke Phillips Jones Thornton Sea King and Rodgers.

On Federal Relations — Messrs Reese Terry Turner Alston Phillips Buford Lindsey and Rice

Mr Turner introduced a bill to be entitled an act to authorize the Commissioners Court of Madison County to borrow money not exceeding fifteen thousand dollars, which was read a first time — On motion the constitutional rule was dispensed with and the bill was read a second time — and the constitutional rule being dispensed was read a third time forthwith and passed the Senate.

Ordered that its title remain unchanged.

Ordered that it be sent to the House of Representatives for its concurrence.

Mr Alston introduced a bill to be entitled an act to repeal an act entitled an act entitled an act to incorporate the Town of Linden in the County of Marengo, which was read a first time — the Constitutional rule being dispensed with was read a second time and the Constitutional rule being further dispensed with the bill was read a third time and passed the Senate.

Ordered that its title remain unchanged.

Ordered that it be sent to the House of Representatives for their concurrence

Mr Clarke introduced a bill to be entitled an act to amend an act entitled an act authorizing the election of an assessor and tax collector for the County of Hickory which was read a first time — the Constitutional rule being dispensed with was read a second time and ordered to be engrossed for a third reading.

Mr Toulmin introduced a bill to be entitled an act to incorporate the Factors Rice and Warehouse Company which was read a first time — the Constitutional rule being dispensed with was read a second time

— And on motion of Mr Gentry was referred to the Committee on the Judiciary

Mr Jones introduced a bill to be entitled An act to change certain sections therein named, which was read a first time — The Constitutional rule being dispensed with was read a second time and ordered to be engrossed for a third reading.

Mr Howard from the Committee on accounts and claims to whom was referred a bill to be entitled An act to compensate Elijah Hornburger reported that they had had the same under consideration and recommended its passage — the bill was placed among the orders of the day.

On motion of Mr Dent the bill to compensate Elijah Hornburger was taken from the orders of the day and read a second time — The Constitutional rule being dispensed with the bill was read a third time and passed the Senate.

Ordered that it's title be amended and that it be sent to the House of Representatives for their concurrence.

Mr Saulsbury introduced a bill to be entitled An act to regulate Judicial proceedings in the Orphans Court of Sussex County which was read a first time — the Constitutional rule being dispensed with was read a second time & by the rule ordered to be engrossed for a third reading.

Mr Leach introduced a bill to be entitled An act to incorporate the Maryland Steamboat and Bank House Company in the County of Baltimore which was read a first time — the Constitutional rule being dispensed with was read a second time & on motion referred to the Committee on the Judiciary.

Mr Saulsbury introduced a bill to be entitled An act for the benefit of Adeline Hollingsworth which was read a first time and ordered to a second reading.

Mr Alston introduced a bill to be entitled An act requiring the Clerks of the

County, and Circuit Courts of Madison County, to make and keep a renewed Docket of all causes decided in their respective Courts, and for other purposes, which was read a first time.—The Constitutional rule being dispensed with was read a second time.—And the Constitutional rule being further dispensed with was read a third time and passed the Senate.

Ordered that its title remain unchanged.

On motion of Mr Terry the vote of yesterday postponing indefinitely a bill to be entitled an act to repeal an act entitled an act to establish the General Ticket System in elections for Representatives in Congress from the State of Alabama—Approved January the 16th 1846.— was reconsidered the question was then upon postponing the bill indefinitely and the yeas and nays were demanded.

Yeas 18
Nays 12

Those who voted in the affirmative are Messrs President Clark Reynolds Beach Harrison Hudson Dellone Lloyd McAllister, McConnell Rice Rodgers Smith Terry Coulmin Turner Wilson of Fayette and Wilson of Jefferson.

Those who voted in the negative are Messrs Alston, Andrews Bailey Dent, King Lea, McWhorter Phillips Ross Watrous and Womack—The motion prevailed.

A Message was received from the House of Representatives by Mr Shelton:

Mr President— The House of Representatives has concurred in the resolution of the Senate proposing that a joint Committee of both Houses be appointed to wait on his Excellency the Governor and inform him that the two houses are now organized and ready to receive any communication he may deem proper to make and have appointed Messrs Morris of Autauga Reynolds and Young said Committee on the part of the House—The Message was ordered to lay upon the table.

Mr Beach introduced a bill to be entitled an act abolishing certain election precincts therein named which was read a first time. The Constitutional rule being dispensed with was read a second time and ordered to be engrossed for a third reading

Mr Bailey introduced a bill to be entitled An act to alter the time of commencing the annual session of the Legislature which on motion was read a first time and upon the question of ordering it to a second reading the yeas and nays were demanded

Yeas 19. Nays 10

Those who voted in the affirmative are Messrs President Alston, Andress, Beach, Bailey, Farrar, King, Lea, Lloyd, McCormick, Owen, Phillips, Ross, Smith, Southmin, Watkins, Wilson of H, Wilson of Wash and Wanack.

Those who voted in the negative are Messrs Clarke, Dent, Hodson, Hall, Jones, McAlister, Rice, Rodgers, Terry and Turner — The bill was ordered to a second reading

Mr Reese made the following report, The Joint Committee appointed to wait on the Governor to inform him that both Houses were organized and ready to receive any Communication he may please to make have performed that duty and received for answer for answer that he would Communicate to each House to day in writing at 11 o'clock A.M. — the report was laid upon the table

Mr Jones introduced a bill to be entitled An act to authorize Clerks of the County Courts of the several Counties in this State to issue on stray bonds in the beat in which the Court house is situated which was read a first time. — the Constitutional rule being dispensed with was read a second time and ordered to be engrossed for a third reading

Mr Wilson of Jackson, introduced a bill to be entitled An act to abolish Brigade encampment drills in the 4th Division and tenth Brigade of Alabama Militia, which was read a first time — On motion the Constitutional rule being dispensed was read a second time and on motion of Mr Hodson referred to the Committee on Military affairs

Mr Bottell introduced a Bill to be entitled an act to prevent Frauds in elections which was read a first time — the Constitutional rule being dispensed with was read a second time and on motion of Mr Dent

refered to the Committee on Privileges and Elections.

Mr Oliver introduced a bill to be entitled an act for the relief of William Taylor and Abner McGehee which was read a first time — the Constitutional rule being dispensed with was read a second time and on motion of Mr Hudson refered to the Committee on the State Bank

Mr Rice introduced a bill to be entitled an act to repeal in part an act entitled an act to incorporate the Town of Decatur in the County of Morgan which was read a first time — the Constitutional rule being dispensed with was read a second time and ordered to be engrossed for a third reading ~~[illegible]~~ Mr Hudson the ~~[illegible]~~

Mr Bailey introduced a bill to be entitled an act to Incorporate Mallard Female Academy in the County of Macon which was read a first time — the Constitutional rule being dispensed with was read a second time on motion of Mr Hudson the bill was refered to the Committee on Education.

A message was received from Gov Kellenay the Governor by his private Secretary L. P. Bagby.

Executive Department,
Tuscaloosa, April 19th 1841.

Gentlemen of the Senate and of the House of Representatives.

The President of the United States having by Proclamation, bearing date the 17th day of March last, required Congress to convene on the 31st day of May next, and the period for which the members of the House of Representatives of the Congress of the United States from the State of Alabama, having according to the established usage of the Government, expired on the 4th of March last, and there being no provision in the laws of this State for the election of members of the popular branch of the National Legislature, before the first monday in August next. I have considered it my duty under the power confided to me by the Constitution, to convene the Legislature, in order to provide by law, for the election of members of the House of Representatives, at a time prior to the period fixed by the existing law, so that the people of Alabama may not be unrepresented in this extra Session of Congress. I beg leave therefore to recommend the passage of a law providing for the election of members of the House of Representatives in the Congress of the United States, at the earliest period consistent with a free & ample exercise of the elective franchise, which ought never to be abridged or impaired; and in order to guard against a similar difficulty in future, the law had better be general in its character.

It would be entirely superfluous to add, that requiring an extra Session of the Legislature

Legislature was a measure resorted to with extreme reluctance on my part; & that no consideration but imposing than securing to the people of Alabama, in the present peculiar & deeply interesting crisis of our public affairs, the unappreciable right of being fully represented, could have justified it, attended as it necessarily must be with great personal inconvenience to the members of the Legislature, & considerable public expense. Believing it not improbable, from the indications then afforded, that those who were about to succeed to the administration of the affairs of the Government of the United States, might think it necessary in order to carry into practical operation & effect, the principles which they no doubt honestly believe to be involved in the issue of the recent election of a Chief Magistrate of the Union, that Congress should be convened earlier than the regular period fixed by law for the meeting of that body; and anxious that the people of Alabama should be fully represented at the very commencement of that disastrous political career, which to my mind had been too perceptibly shadowed forth by the results of the Presidential election; on the 19th of December last, I took the liberty of submitting a special message to the General Assembly, respectfully recommending the passage of a law to provide for the contingency which has since happened. And if with the lights by which I was then aided, the utmost necessity was discovered for the most unremitting vigilance on the part of those who occupy the responsible places of guardians of the public interest, & the sincerest apprehensions were felt that the government of the United States, in which we have a stake of such incalculable value, was not likely to be conducted upon those pure & unerring principles of democracy which have always prevailed in the better days of the Republic, can but impel me to the declaration, that these apprehensions have not been abated or diminished by events which have since transpired. It may be safely asserted as a general principle, to the correctness of which all will probably accede, that no public functionary is justifiable in resorting to the exercise of the extraordinary powers with which he is invested, except in cases of imperious necessity; & when the exercise of the ordinary powers with which he is clothed, is inadequate to the emergency which renders a resort to the extraordinary powers necessary & proper. And in all cases before the exercise of extraordinary power is resorted to, the necessity for it should be clearly shewn to exist. It is, therefore, considered unfortunate, & not calculated to allay the apprehensions of a patriotic people, jealous of their rights, & watchful of their servants, that the President of the United States should have thought it his duty to convene Congress at a time not only unusual, but within less than ninety days after the adjournment of that body; and at an expense, not to be lightly estimated in these times, without stating clearly & distinctly his reasons for doing so,

in order

in order that a generous & confiding people might understand the necessity which existed at the time, for continuing to subject them to an increase of those burdens, which they had been repeatedly told were grievous & oppressive, & which they had been solemnly assured, in almost all the variation of promise, should be greatly diminished, if not taken off entirely.

The derangement of the currency is to be seen alluded to as a reason why it is necessary for Congress to assemble; and as it has perhaps with equal justice been assigned as the cause of all the public & private misfortunes, rail road & steam boat accidents that have taken place since the guardian genius of an United States Bank has been withdrawn from us. If by providing, or relieving against the acknowledged evils of a deranged & disordered currency, is meant the establishment of a National Bank, let the question be stript of all disguises, & fairly presented at once. But to be continually bewailing the unsoundness & depreciation of the currency without the moral courage to propose a remedy, not only implies a want of candor on the part of those who indulge these complaints, but would really seem to be rather a bold experiment on the discernment & the credulity of the people.

There is one other subject, connected with our relations to the federal government, and with the public acts of a distinguished public officer, now no more, which nothing but an imperious sense of duty could, at this time induce me to notice. And I notice it with the distinct avowal that it is not for the purpose of attempting to inflict censure, much less to cast reproach on the acts or memory of the dead; but to awaken the living to a sense of the danger which threatens their rights & their principles. I allude to the appointment of those to high offices under the federal government, whose deliberately formed, well settled, long cherished & often repeated political opinions upon subjects of vital importance are known to be at war with the rights & interests of the Southern people, the principles of democratic republican government, & the true theory of the Constitution. Whatever coloring or complexion may be put upon it now, history, stern, inflexible history, faithful to its office, which is to make an imperishable record of the conduct & actions of public men, will not fail to pronounce impartial judgment on the propriety of appointing to one of the highest offices under the government of the United States, a man, who exerted those great talents, which seem now to constitute the wonder & admiration of thousands, in opposition to the honor & interest of his country, in the darkest hour of her peril.

But this is not perhaps the proper time or a suitable occasion to enquire into the sufficiency of the reasons which, in the opinion of the President of the United States, rendered it necessary to exercise the power vested in him by the Constitution, & to require an extra Session of Congress: to enquire with scrupulous vigilance into the opinions & qualifications of those he had selected to aid him in the administration of the government, or to scan the propriety of his public acts. Since the performance of the part of the act which rendered it necessary in my judgment for you to assemble here, that distinguished individual has been suddenly cut off by the a-

the hand of providence from all participation in the affairs of men, & has ceased to be numbered among the living. And for one whatever may have been my objections to his election, & they were strong, sincere, uncompromising & decided on principle, I am perfectly disposed to spread the veil which covers human imperfection on all his errors, without pretending that he had more than falls to the lot of other men; to do him the justice to suppose that in his official acts he was governed by a patriotic sense of public duty; and to remember his virtues only. But while I cheerfully accord to a distinguished & departed citizen, honesty of purpose, & a lofty attachment to principles which he no doubt believed to be correct, I should be unmindful of truth & forgetful of all the principles, upon the sacred observance of which I believe our happiness as a people depends, did I not distinctly aver that in political sentiments, so far as his have been expressed, or are to be inferred from his public acts, I differ with him, & most of those by whom he was elected, in almost every essential particular. And perhaps, after all, an honest difference of opinion candidly indulged, & confined within the limits of prudence, moderation & patriotism, affords the best guarantee for the continued preservation of our liberties & happiness.

It is impossible to recur to the signal dispensation of an all righteous Providence in the death of the late President of the United States, without being forcibly admonished of the extreme uncertainty of all the affairs of this fleeting & transitory life, & with the littleness & exceeding vanity of human ambition; and without being solemnly impressed with the momentous weight of the awful & instructive truth, that success in the accomplishment of the highest objects of earthly gratification, is but another step to that eternal & unchangeable state, to which magistrate & people are alike hastening; & where no distinctions are recognised but those that flow from excellence & virtue. What is to be the effect of this unexpected event upon the administration of the affairs, & the general policy of the government of the United States, for the remainder of the period for which General Harrison was elected, time, the great unfolder of events, can only determine.

The Vice President elect, will of course, according to the constitutional provision upon that subject, succeed to the powers & duties of the President of the United States for the term of four years from the fourth of March last.

From the general view of the present condition of the various departments of the public interest, I am not aware that any thing will imperiously require the attention of the Legislature, except the subject which brought you together.

In your high public character, however, as representatives of the people, it will be entirely competent for you to embrace within the sphere of your deliberations, any subject which in your judgment, the public interest may require.

But from the very short time which has elapsed since your last

adjournment

adjournment, & considering the busy & interesting season of the year at which it has become necessary to call you from your families & accustomed occupations; & especially, taking into view the important consideration of public economy, with a just sense of which I have no doubt you will be fully impressed, I entertain the confident expectation that your interest as citizens, & your duty as representatives, will alike indicate the necessity of prompt attention to the important subject which rendered it necessary for you to assemble, & of a speedy return to the bosom of your constituents.

A. P. Bagby

The Message having been read Mr Lea moved to lay it upon the table — Mr Terry moved to amend the motion by ordering that one thousand Copies thereof be printed — Mr Ball moved to amend the motion further by ordering that ten thousand Copies thereof be printed — Mr Wilson of Jackson called for a division of the question which was taken first upon laying the message upon the table and carried — the question was then taken upon ordering ten thousand Copies of the Message to be printed which was lost — the question then recurred upon the motion to print one thousand Copies which prevailed.

Mr Lea offered the following Preamble and joint resolutions to wit:

Whereas information has been received of the death of the President of the United States which occurred on the 4th Inst — one month after his installation — a Calamity common to the whole Country — Therefore resolved by the Senate and House of Representatives of the State of Alabama in General assembly Convened, That as a portion of the Millions of free people visited by this Extraordinary dispensation of Divine Providence — this General Assembly deeply deplores the loss Country has sustained.

Resolved — that on account not only of the distinguished elevation to ~~which~~ which Gen'l William Henry Harrison had been raised by the Voice of a great people; but on account also of the numerous efficient services rendered to his Country through a long life in the field as well as in the Councils of his Country — his Exemplary life as a Citizen and a Soldier his loss will be felt and his memory cherished with gratitude in every Patriotic and American bosom — Mr Jones moved to lay the Preamble and Resolutions on the table — Mr Hudson moved to postpone the further Consideration of the resolutions until to morrow at 11 O'Clock and make them the Special Order for that hour which prevailed.

Mr Phillips introduced a bill to be entitled an act to Compel Executors and

Administrators to perfect titles to land in certain cases which was read a first time, the Constitutional rule being dispensed with was read a second time, and on motion of Mr Rice, referred to the Committee on the Judiciary.

Mr Andrews introduced a bill to be entitled an act to authorize the Tax Collector of the County of Monroe to receive Juror Certificates in payment of Taxes due said County, which was read a first time— the Constitutional rule being dispensed with was read a second time and ordered to be engrossed for a third reading.

Mr Jones introduced a bill to be entitled an act to regulate Sheriff's fees which was read a first time, the Constitutional rule being dispensed with was read a second time, and referred to the Committee on the Judiciary.

Mr Phillips introduced a bill to be entitled an act to Incorporate and Extend the powers of the Alabama Medical Society, which was read the Constitutional being dispensed with was read a second time, and on motion referred to the Committee on the Judiciary.

Mr Rice moved that when the Senate adjourn it will adjourn to meet at 9 O, Clock to morrow morning, which prevailed.

Mr Coleman introduced a Bill to be entitled an act to amend the laws in regard to limitations of actions, which was read— the Constitutional rule being dispensed with was read a second time, and on motion referred to the Committee on the Judiciary.

On motion of Mr Rice the Senate then adjourned.

Wednesday Morning April the 21st 1841.

The Senate met pursuant to adjournment

Mr Rice offered the following preamble and resolution to wit:

Whereas Wm S Taylor door Keeper of the Senate is unexpectedly called home an account of the Sickness of his family, Therefore be it resolved by the Senate that Armstead R. Thomas be appointed to act as door Keeper during the absence of said Taylor, which was adopted.

Mr Thomas appeared in the Senate Chamber was qualified and entered upon the duties of his appointment.

The Hon D. A. Thornton Senator from the County of Greene appeared and took his seat.

Mr Rodgers introduced a Bill to be entitled an act in relation to the duty of overseers of Roads, which was read – the Constitutional rule being dispensed with it was read a second time and on motion of Mr Rodgers referred to the Committee on Roads Bridges and Ferries.

The Senate then took up the orders of the day.

Engrossed Bill to be entitled An act to amend and a act entitled an act authorizing the election of an Assessor and Tax Collector for the County of Benton, was read a third time and passed the Senate

Ordered that its title remain unchanged

Engrossed Bill to be entitled An Act to change ~~election~~ a certain election precinct therein named, which was read a third time Messrs McAllister, Andrews, Hall Dailey and Reese each offered Amendments by way of Engrossed Ryder in relation to election precincts in their respective Counties which were adopted – the Bill was then read a third time and passed

Ordered that its title remain unchanged.

Engrossed Bill to be entitled An act to regulate Judicial proceedings in the County Court of Mobile County, was read a third time and passed

Ordered that its title remain unchanged

Ordered that it be sent to the House of Representatives for their Concurrence.

A Bill to be entitled an act for the benefit of A. Henry Hollinquest was read a second time, and on motion of Mr Reese referred to the Committee on the Judiciary

Engrossed Bill to be entitled an act abolishing a certain election precinct therein named was read a third time and passed Ordered that its title remain unchanged.

A Bill to be entitled an act to alter the time of convening the Annual Sessions of the Legislature was read a second time and on motion of Mr Reese referred to the Committee on Privileges and Elections.

Engrossed Bill to be entitled an act to authorize Clerks of the County Courts of the several Counties in this State to sell on stray bonds, in the beat in which the Court House is situated, was read a third time and passed the Senate. Ordered that its title remain unchanged.

Engrossed Bill to be entitled an act to repeal in part an act entitled an act to Incorporate the Town of Decatur in the County of Morgan approved the 9th of January 1841. was read a third time and passed the Senate

Ordered that its title remain unchanged.

Engrossed Bill to be entitled an act to authorize the Tax Collector of the County of Monroe to receive Juror Certificates in payment of Taxes due said County was read a third time and on motion of Mr. Andrews ordered to lay upon the table — which completed the orders of the day.

Mr Toulmin from the Committee on Military affairs to whom was refered a bill to be entitled an act to abolish Brigade encampment drills in the ninth Division tenth Brigade of Alabama Militia, reported that they have had the same under Consideration and return it to the Senate and recommended its passage — the bill was placed among the orders of the day.

Message from his Excellency the Governor by his private Secretary J. D Bagby —

Executive Department
Tuskaloosa April 21st 1841.

Sir. — I have the honor to lay before the Senate

a list of appointments of offices made to be filled by the General Assembly since your adjournment.

Very Respectfully
A.P. Bagby

Hon
D.L. H. Coltrell
President of the Senate

Executive Appointments made since the adjournment of the Legislature.

John D Phelan to be Judge of the 1st Judicial Circuit Court in place of D.J. Harris resigned

Samuel Brasher to be Judge of the County Court of Shelby County in place of Andrew B. Stevens resigned

Resignation of George L. Hudson Esq Solicitor of 4th Judicial Circuit received April 29th 1841. - The Communication and accompanying document being read was on motion of Mr Hudson ordered to lay upon the table.

Mr Coltrell introduced a Bill to be entitled an act attaching the County of Lowndes to the second Chancery district of the Southern Division, which was read a first time - The Constitutional rule being dispensed with was read a second time and ordered to be engrossed for a third reading.

Mr Jones introduced a Bill to be entitled an act to dispense, with protest and notice in certain cases which was read a first time - the Constitutional rule being dispensed with was read a second time - Mr Dent moved to dispense with the Constitutional further for the purpose of giving the bill a third reading forthwith - Mr Reese moved the reference of the Bill to the Committee on the State Bank which was lost - On motion of Mr Phillips it was then refered to the Committee on the Judiciary.

Mr Lea introduced a Bill to be entitled an act to provide permanently in future for the subsistence of poor and unfortunate families which was read a first time - the Constitutional rule being dispensed with was read a second time and on motion of Mr Hudson refered to the Committee on the Judiciary

Mr Alston introduced a bill to be entitled an act to amend an act for the collection of Taxes in the County of Maiengo which was read a first time the Constitutional rule being dispensed with was read a second time and ordered to be engrossed for a third reading.

Message from the House of Representatives by Mr Phelan asst Clerk.

Mr President — The House of Representatives has passed a which originated in the House a Bill to be entitled an act to amend and explain an act entitled an act to authorize the Commissioners of Township 16 Range 17 ~~West~~ of Montgomery County to erect a suitable building for an Academy in which the Concurrence of the Senate is requested.

Engrossed Bill from the House of Representatives to be entitled an act to amend and explain an act entitled an act to authorize the Commissioners of Township 16 Range 17 of Montgomery County to erect a suitable building for an Academy was read a first time and ordered to a second reading.

Mr McAllister introduced a Bill to be entitled An act to repeal in part an act in relation to 16th sections approved 3rd February 1840 which was read - the Constitutional rule being dispensed with was read a second time — On motion of Mr Dent the bill was amended by inserting "Tuskaloosa" after Cherokee — On motion of Mr McConnell the bill was further amended by inserting ~~Tooka~~ "Talladega" after Tuskaloosa"

Mr Oliver introduced a Bill to be entitled An act in relation to Prairie Roads in the County of Montgomery which was read the Constitutional rule being dispensed with was read a second time - On motion of Mr Oliver the bill was amended by inserting "Lowndes" after "Montgomery" and changing the word "County" to "Counties." and as amended was ordered to be engrossed for a third reading.

Mr Jones introduced a Bill to be entitled An act for the relief of E. K. Miller deceased and other purposes which was read a first time - the Constitutional rule being dispensed with was read a second time and on motion of Mr Jones referred to a select Committee,

Consisting of Messrs Jones Lea and Phillips.

The hour of eleven having arrived the Senate took up the preamble and Joint Resolutions offered by Mr Lea on yesterday and which were made the special order for this hour in relation to the death of the President of the United States

On motion of Mr Terry the preamble and resolutions were postponed till to morrow eleven o'clock and made the special for that hour.

Mr Hudson offered the following resolution Resolved - That so much of the Governors Message as relates to the election of Members to the called session of Congress be refered to the Committee on Privileges and Elections, which was adopted.

Mr Hudson moved that the Senate adjourn which was lost.

Mr Terry moved a reconsideration of the vote refusing to adjourn upon which motion the yeas and nays were demanded.

Yeas 9
Nays 22

Those who voted in the affimative are Messrs Alston Clarke Bailey Hudson King Phillips Rice Smith Terry and Watrous

Those who voted in the negative are Messrs President Andrews Breach Bent Farrar Hall Jones Lea Lloyd McAllister McConnell McVay Oliver Reese Rodgers Ross Thornton Trulock Turner Wilson of St Wilson of D. and Wood Refused to reconsider

On motion of Mr Wilson of D the bill to be entitled an act to abolish Brigade encampment drills in the 9th division and tenth Brigade of Alabama Militia was ordered to be taken from among the orders of the day and read a second time and ordered to be engrossed for a third reading.

Message from the House of Representatives by Mr Turnstall

Mr President: The House of Representatives have adopted Joint resolutions in relation to the death of the President of the United States In which the concurrence of the Senate is requested

The Preamble and resolutions are as follows to wit,

Whereas, Gen. William Henry Harrison late President of the United States, has been cut off by an All Wise and inscrutable Providence from further participation in the affairs of Men, in the administration of which the voice of his Country had called him, to the most honorable and responsible position known to the nations of the earth— And whereas, the bitterness of Party Strife, which marked the recent Presidential campaign, had reference only to the political principles involved, or supposed to be involved, in that issue; and did by no means apply to the person of the illustrious citizen over whose grave the nation now mourns, and who having ceased to animate or participate in the angry and stormy contests of the hour, has left his name not to any particular party, but to his whole country—his deeds in the field, his virtues as a man and his renown as a Statesman, can no longer be regarded as belonging to those whose political views accorded with his own, but have passed to the possession of his whole country and like the lives and actions of all our other great and good citizens is added to swell the sum of our national glory; And we mourn over him, not as the leader of a party, for as such we now express no opinion, but we lament the untimely death of the American President, not after the formal and ostentatious manifestations, of grief, such as a bowed down and oppressed people are made to display when a despotic mandate bids them mourn, that one despot has been exchanged for another— For here although no public act orders a marble obelisk to arise in inscription tongued, to speak the words of flattery and sycophantic praise, to after times—yet we present what wealth could never buy; what power could never extort—what art can never imitate the mighty and holy tribute of a nations sorrow, over the grave of an illustrious patriot. Therefore be it,

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened That in unison with our County, in bewailing the death of Gen

William Henry Harrison late President of the United States - and that His Excellency the Governor be requested to transmit to the Widow of General Harrison an assurance of the sincere condolences of the State of Alabama under the afflicting dispensation of Providence which has marked her as chief mourner in a national lamentation

2d Be it resolved - That we will wear the usual badges of mourning for thirty days

The Message was read and unanimously adopted

On motion of Mr Dent the Senate then adjourned

Thursday April the 22nd 1841.

The Senate met pursuant to adjournment.

Mr Hall presented the account of A Sample late Sheriff of Autauga County the reading of which was dispensed with and on motion referred to the Committee on accounts and claims

Mr President laid before the Senate a Petition from the "Benton Guards" of Lowndes County which was read and on motion of Mr Phillips refered to the Committee on Military Affairs

Mr Andrews presented a petition from the Citizens of Township 9 and Range 8 in the County of Monroe the reading of which was dispensed with and on motion refered to the Committee on Propositions and Grievances

Mr Terry from the State Bank Committee to whom was refered a resolution directing them to enquire into the propriety of altering the provisions of the act sanctioning the suspension of Specie payments of the State Bank and its several branches reported that they have considered of the same and submit to the Senate the following Bill to wit;

A Bill to be entitled an act to extend the provisions of the first section of an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several branches and for other purposes approved June the 30th 1837 which was read a first time the Constitutional rule being dispensed with-

was read a second time, and on motion of Mr Terry the Constitutional being further dispensed with the bill was read a third time and passed.
Ordered that its title remain unchanged.
Ordered that it be sent to the House of Representatives for its concurrence.

Mr Wilson of Fayette from the Committee on Privileges and Elections to whom was referred so much of the Governors Message as relates to the Election of Members to Congress. the called Session of Congress, reported the following bill to wit;

A Bill to be entitled an act for a special election for electing Members to the 27 Congress and for other purposes, which was read a first time— On motion of Mr Wilson the Constitutional rule requiring bills and joint resolutions to be read on three several days ~~being~~ was dispensed with and the bill received a second reading forthwith— Mr Dent moved to strike out the sixth Section of the bill which is as follows to wit; And be it further enacted, that the election holden under this act shall in all respects be subject to and governed by and conformed to the provisions of an act entitled an act to establish the General Ticket System in elections for Representatives in Congress from the State of Alabama— Approved January the 11th 1841.— to which this Act is an amendment; upon the motion to strike out the 6th section the yeas and nays were demanded.

Yeas — 11. Nays 21.

Those who voted in the affirmative are Messrs Alston, Andrews, Dent, King, Lea, Oliver, Phillips, Ross, Thornton Watrous and Womack

Those who voted in the negative are Messrs President, Clarke, Creagh, Dailey, Hamar, Hudson, Hall, Jones, Lloyd, McAllister, McConnell, McVay, Reese, Rice, Rodgers, Smith, Terry Touchstone, Turner, Wilson of Fayette and Wilson of Marshall— the motion to strike out was lost. Mr Bailey offered the following amendment as an additional section to come in at the end of bill to wit;

And be it further enacted that the terms of service of the members so elected shall expire on the third day of March Eighteen Hundred and forty three— Provided also that the election for members to Congress held on the first Monday in August of the year Eighteen Hundred and forty two, who shall begin their term of service on the fourth of March 1843. and continue to serve

for two years from that day) Provided further that every succeeding election for Members to Congress shall be held every two years from the preceding election, beginning from the first Monday in August of the year Eighteen hundred and forty two which was lost. — On ordering the bill to be engrossed for a third reading the yeas and nays were demanded by Mr Dent.

Yeas 21. Nays 11

Those who voted in the affirmative are Messrs President, Clarke of R.I. Dixon Fulton Hunter Hudson Hall Jones Lloyd, N. McAllister McConnell McKay Rives Rice Rodgers Smith Terry Woodbridge Turner Wilson of N. Hamp. Wilson of Mass.)

Those who voted in the negative are Messrs Alston Andrews Dent King Lea Oliver Phillips Rob Thornton Watrous and Wanmack — The bill was ordered to be engrossed for a third reading.

The hour of eleven having arrived the Senate took up the Special order for the hour — The resolutions offered by Mr Lea relative to the death of the President of the United States which on motion of Mr Hudson were ordered to lay upon the table

Mr McKay from the Select Committee to which was refered the Memorial of the Tennessee Canal Commissioners reported a Bill to be entitled an act making an appropriation to the Tennessee Canal, which was read a first time the Constitutional rule being dispensed with was read a second time and on motion of Mr McKay was refered to the Committee on Internal Improvement and inland navigation

Mr Terry from the State Bank Committee to whom was refered a Bill to be entitled an act for the relief of William Saylor and Abner McGehee reported the same back to the Senate and recommended its passage — The Bill was placed among the order of the day.

Mr Oliver from the Committee on Education to whom was refered a Bill to be entitled an act to incorporate a male and female Academy at Midway in the County of Macon reported a substitute — Mr Clarke moved to amend the amendment reported by the Committee by striking out the word twelve thousand dollars in the last line of the second section which was

was lost — The Amendment reported by the Committee was then adopted — The bill was then read a second time and ordered to be engrossed for a third reading

Mr Sayre from the Select Committee to whom was referred a bill to be entitled an act for the relief of E. K. Miller deceased and others sureties, reported the same to the Senate with an amendment to come in on the fifth line from the bottom of the section after the word "Sumter" and recommended its passage — The Amendment of the Committee was adopted and the bill received a second reading and was ordered to be engrossed for a third

Mr Robi introduced a Bill to be entitled an act to compensate the Commissioners of Roads and Revenue in the County of Wilcox, which was read a first time — the Constitutional rule being dispensed with was read a second time — the Constitutional rule being further dispensed with the bill was read a third time & passed

Ordered that it's title remain unchanged

Ordered that it be sent to the House of Representatives for their concurrence

Mr Southmin, introduced a bill to be entitled An act to amend the charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile, which was read a first time — the Constitutional rule being dispensed with the bill was read a second time, and on motion of Mr Anderson referred to the Committee on the State Bank

Mr Sea moved that when the Senate adjourn it will adjourn to meet at three o'clock this evening which was carried.

Mr Robi introduced a Bill to be entitled an act in relation to the 16th Section in Township 16 of Range 3 East in the County of Wilcox which was read — the Constitutional rule on motion being dispensed with the bill was read a second and third time forthwith and passed the Senate.

Ordered that it's title remain unchanged

Ordered that it be sent to the House of Representatives for their concurrence

Mr Hall offered the following Resolution which was adopted to wit, Resolved that in as much as the legislature is convened for a specific purpose that no new business will be received after 4 o'clock of this day

Mr Rice offered the following resolution
Resolved, By the Senate with the Concurrence of
the House of Representatives that the two Houses of
this General assembly will convene in the Hall of the
House of Representatives on Friday next at the Hour of
12 o Clock M for the purpose of electing a Judge of the
first Judicial Circuit — Mr Hudson moved to lay
the resolution on the table, which was lost — On
motion of Mr McVay the resolution was amended
by adding after a Judge for the first Judicial
Circuit and also a Solicitor for the South
Judicial Circuit — Mr Phillips moved to amend
the resolution further by striking out the word Friday
where it occurs and inserting in lieu thereof
the word "Saturday" upon which Amendment
Mr Terry demanded the yeas and nays.
Yeas 26. Nays 5
Those who voted in the affirmative are Messrs
President, Alston, Andress, Blackledge, Bailey
Beuth, Harper, Hudson, Jones, King, Lea, Lloyd
McAllister, McConnell, McVay, Oliver, Phillips
Ros, Terry, Thornton, Toulmin, Turner, Watrous
Wilson of S and Womack.
Those who voted in the negative are Messrs
Hall, Reese, Rice, Rodgers and Wilson of Fayette
— the amendment prevailed —
Mr Hall offered the following resolution
Resolved — That with the concurrence of the
House of Representatives the two Houses will
adjourn sine die on saturday the 24 Inst —
Mr Terry moved to lay the resolution on the
table and the yeas and nays were demanded
Yeas 19. Nays 13
Those who voted in the affirmative are, Messrs
President, Blackledge, Harper, Hudson, Jones
Lloyd, McAllister, McConnell, McVay, Rice
Rodgers, Smith, Terry, Thornton, Toulmin
Turner, Wilson of S and Wilson of F.
Those who voted in the negative are Messrs
Alston, Andress, Bailey, Beuth, Hall, King, Lea
Oliver, Phillips, Reese, Ros, Watrous and Womack
— the resolution was laid upon the table —
The Senate then took up the orders of the
day.
Engrossed Bill to be entitled an act
to attach the County of Lowndes to the Second

Mercury District of the Southern Division, was read a third time and passed the Senate—
Ordered that its title remain unchanged.
Ordered that it be sent to the House of Representatives for their concurrence
Engrossed bill to be Entitled an act for the Collection of taxes in the County of Marengo, was read the third time and passed
Ordered that its title remain unchanged and that it be sent to the House of Representatives for its Concurrence
Engrossed bill from the House of Representatives Entitled an act to amend and explain an act entitled an act to authorize the Commissioners of Township 16 Range 17 of Montgomery County to erect a suitable building for an Academy, was read the third time & passed,
Ordered that the Secretary acquaint the House of Representatives therewith
Engrossed Bill to be Entitled an act supplemental to part of an act in relation to 16th sections approved 3d February 1840— was read the third time & passed
Ordered that its title remain unchanged and that it be sent to the House of Representatives for its Concurrence
Engrossed Bill to be Entitled an act in relation to Prairie Roads within the County of Montgomery & Bounded was read the third time & passed
Ordered that its title remain unchanged and that the same be sent to the House of Representatives for its Concurrence
Engrossed bill to be Entitled an act to establish encampment drills in the 1st Brigade of the Division of Alabama Militia was read the third time & passed
Ordered that its title remain unchanged and that it be sent to the Senate for its Concurrence
Engrossed Bill to be Entitled an act for the relief of William Taylor and Abner McGehee was read the second time and the Constitutional rule requiring bills Joint Resolutions to be read on three several days being dispensed with— it was read the third time for the question to be put—
Ordered that its title remain unchanged and that it be sent to the House of Representatives for its Concurrence

On Motion of Mr. Phillips, the Senate adjourned

1 Oclock P.M.

The Senate Met pursuant to adjournment

Mr Rice from the Committee on the Judiciary to whom was referred a bill to be Entitled an act to Incorporate the Tractors Drug and Medicine Company reported the same back with out Amendment

The bill was placed among the orders of the day

Mr Rice from the same Committee to which was referred a bill entitled an act for the Relief of Permanently insane persons or Unfortunate Families reported the same back to the Senate—

The bill was placed among the orders of the day

Mr Rice from the same Committee to which was referred a bill entitled an act regulating Sheriffs fees reported the same back to the Senate without Amendment & recommended its passage—

The bill was placed among the orders of the day

Mr McConnell submitted the following joint Resolution

Resolved, that our Senators and Representatives in Congress be requested to use their best efforts to procure the establishment by law of a line of Hacks from Talladega via Columbiana, Montevello to Centerville semi weekly— and also another line from Macon Georgia to Mobile alabama via Irwinton Barbour County and that for either Resolved, That his Excellency Governor be requested to forward a copy of these resolutions to our Senators and Representatives in Congress.

Which was adopted

Ordered that the Clerk inform the House of Representatives and ask its Concurrence

Mr Wilson of Hayne from the Committee on Privileges and elections to whom was referred a Bill to be entitled to alter the time of Commencing the annual Sessions of the Legislature reported a Substitute therefor and recommended its passage— The yeas and nays were demanded upon the adoption of the Amendment.

Yeas 19. Nays 15—

Those who voted in the affirmative are Messrs Andrews Buford Lea, McConnell, Oliver, Phillips, Rice, Ross Terry, Thornton, Watts and Wilson of St

Those who voted in the negative are Messrs President Alston, Clarke, Creagh, Dailey, Farrar, Hall, Hudson, Jones McAllister, McVay, Reese, Smith, Soulsmin, and Womack— The Senate refused to adopt the Amendment— Mr Hall moved to postpone indefinitely the original bill and the yeas and nays were demanded

Yeas 15. Nays 13

Those who voted in the affirmative are Messrs President, Alston, Clarke, Creagh, Farrar, Hudson, Hall, Jones, McAllister, McConnell, McVay, Reese, Smith, Soulsmin and Womack

Those who voted in the negative are Messrs Andrews, Buford, Dailey, Lea, Oliver, Phillips, Ross, Terry, Thornton, Watts, Wilson of Hall, Wilson of St— The motion prevailed.

Mr Terry from the State Bank Committee to which was referred a Bill entitled an act to amend the Charters of the Bank of Mobile and the Merchants and Planters Bank of Mobile reported the same to the Senate Amended as therein shown and as amended recommended its passage— The amendments were adopted and the bill received a second reading— On motion of Mr Soulsmin the Constitutional rule was dispensed with, and the bill was read a third time and passed the Senate.

Ordered that it's title remain unchanged

Ordered that it be sent to the House of Representatives for their Concurrence.

Mr McConnell introduced a Bill to be entitled An act to establish the permanent line between the Counties of Benton and Cherokee and for other purposes, which was read a first time— Mr Clarke moved to postpone the bill indefinitely— On motion of Mr McConnell the bill was laid upon the table

Mr Dailey offered the following resolution to wit
Resolved That the Committee on Privileges and
Elections be requested to inquire into the propriety
of submitting it to the people of this State at the
next August elections, to say whether they prefer
Annual or biennial sessions of the Legislature and
that they report by bill or otherwise, which was
adopted.

Mr Toulmin introduced a Bill to be entitled
an act to repeal a portion of the Charter of the
City of Mobile, which was read a first time the
Constitutional rule being dispensed with (was
read a second ~~time~~ Third time.

Ordered that it do remain, and be engrossed
and that it be sent to the House of Representatives
for its concurrence

On motion of Mr Rudasill

Resolved: That the Committee on accounts
& claims be instructed to ~~receive~~ bring in
a bill making the necessary appropriation
to defray the expenses of the present General
Assembly

On Motion of Mr Buford

Resolved that it be referred ~~to~~ a Special Com
mittee of five to enquire into the expediency of
transferring a part of the Capital of the Algabama
Decatur & Montgomery Rail Road Co to Irwinton
in Barbour County, dispensing ~~of~~ a certain portion
of stock to be transferred to private Stockholders or other
wise as they may; or elect to establish an
agency of said Road at one or more of them
at such Town

Whereupon Messrs Buford, Toulmin, Steele
McAllister & Dailey, were appointed said
Committee

Mr Steele offered the following resolution
Resolved: That the Committee on Privileges
& Elections ~~be~~ enquire into the expediency
of passing a law, authorizing and di
recting the Sheriffs of the several Counties
of this State to take a vote of the people
at the next August Election whether
they are in favor of the General Ticket
System, which law to remain in force
or otherwise, which was ordered

Mar 18. Mon 1 P.M.

The yeas & nays were demanded
Those who voted in the affirmative were Messrs
Alston, Andrews, Buford, Clegg, Daily, Dent,
King, Lea, Milner, Oliver, Phillips, Reese, Rose, Thornton
Fearn, Watson, Wilson of H. Wilmack,
Those who voted in the negative were Messrs
President, Clarke, Farmer, Hudson, Hale, Jones,
Hays, McAllister, McConnell, Rice, Smith, Terry,
& Wilson of F.

Mr Rice from the Committee on the Judiciary to which was referred a Bill entitled an act to compel Executors and Administrators to perfect titles to land in certain cases, reported the same back to the Senate with the following amendment after the word bond in the 8th line insert the following "and other instrument in writing for the sale of land, whether under Seal or not" and as amended recommend its passage — which was adopted — On motion of Mr Lea the bill was amended and further by striking out the word "enforce" and inserting the word "decree" inserted in lieu thereof — the bill as thus amended ordered to be engrossed for a third reading

Yeas 28. Nays 3.

Those who voted in the affirmative are Messrs President, Alston, Andrews, Buford, Clarke, Clegg, Daily, Dent, Hudson, Jones, King, Lea, Lloyd, McAllister, McConnell, McClay, Oliver, Phillips, Rice, Rose, Smith, Terry, Thornton, Tarleton, Watson, Wilson of F. Wilson of H. and Wilmack.

Those who voted in the negative are Messrs Farmer, Hall & Reese

Mr Rice from the same committee to who was referred a Bill entitled an act for the benefit of A. Jeanise Hollinguer reported the same to the Senate and recommend its passage — the bill was placed among the orders of the day

Mr Rice from the same Committee to which was referred a Bill entitled an act to incorporate and extend the powers of the Alabama Medical Society, reported the same back to the Senate with the following amendment strike out the words "an dismember" in the 10th line of the first section and thus amended recommend its passage — the amendment was adopted and the bill read a second time

and ordered to be engrossed for a third reading

Mr. McConnell moved to reconsider the vote postponing indefinitely a Bill entitled an Act to alter the time of convening the Annual sessions of the Legislature — Mr Leach moved to postpone the motion made by Mr McConnell till tomorrow which was lost — the motion of Mr McConnell was then carried — the question was then upon the indefinite postponement of the bill and the ayes and nays were demanded

Ayes 12. Nays 18

Ayes — Messrs President Clarke Enoch Hudson Hall Jones King McAllister McVay Reese Yoakum — 12

Nays — Messrs Alston Andrews Bufort Dailey Dent Farrar Lea Lloyd McConnell Oliver Phillips Rice Ruffin Terry Thornton Watrous Wilson of Ashe and Wilson of Wake — 18

the motion to postpone was lost — Mr Alston moved a reconsideration of the vote refusing to adopt the substitute reported by the Committee on Rules &c and Elections for said bill — on motion of Mr Hall the motion of Mr Alston was postponed till tomorrow

Mr Rice from the Judiciary Committee to which was referred a Bill entitled an act to dispense with protest and notice in certain cases reported the same back to the Senate with following amendments Strike out the word "or" in the 6th line of the first section and after the word "acceptors" in the same line insert the words "or drawers" and at the close of the first section insert the following "And in such cases no charge for protest and notice shall be allowed" and as amended recommend its passage — the amendments was adopted — the bill read a second time — on motion of Mr Dent the Constitutional rule was dispensed with and the bill read a third time, and on its passage the ayes and nays were demanded

Ayes 15. Nays 15

Ayes — Messrs Andrews Bufort Clarke Enoch Dent Farrar Hall Jones King McAllister

McConnell Phillips Smith Wilson of Faud Wilson of S.

Nays Messrs President Alston Bailey Hudson Leavell Clay Oliver Rice Ross Terry Thornton Goodwin Watrous and Yeamans — the bill was lost

Mr Rice from the same committee to which was referred a Bill entitled an act to amend the laws in regard to the limitations of actions reported the same to the Senate and recommended its passage — The bill was placed among the orders of the day.

The Senate then took up the orders of the day.

A Bill to be entitled an act to Incorporate the Factors Dock and warehouse Company was read a second time — Mr Leavell offered an amendment to come in at the end of the bill as follows: "Provided the stock of the subscribers shall be ~~compel~~ considered and deemed as personal property and shall be subject to levy and sale under execution which was adopted — Mr Hall offered the following amendment to come in at the end of the bill "And be it further enacted — That said Company shall not in any manner exercise Banking privileges or deal in Bills of Exchange in their Corporate Capacity" — Mr Leavell moved to amend the amendment by striking out the words "or dealing in Bills of Exchange" which was lost — the amendment was then adopted the bill was then read a second time and ordered to be engrossed for a third reading.

On motion of Mr Rice the Senate then adjourned —

Friday April the 23rd 1841

The Senate met pursuant to adjournment

Mr Hudson from the Committee on Accounts and Claims to which was refered the Claim of A. Semple late Sheriff of Montgomery County reported the same to the Senate as not being properly authenticated and should not be allowed and asked leave to be discharged from the further consideration thereof; which was granted — Mr Hall asked and obtained leave to withdraw the accounts

Mr Hudson from the same Committee to whom was refered a resolution instructing them to bring in a bill making the necessary appropriations to defray the necessary expenses of the present General Assembly, reported a bill embracing the objects contemplated in said resolution — the bill was read a first time. The Constitutional Having been dispensed with was read a second time — Mr Hall moved to amend the bill by striking out the second section which went to allow the Comptroller one hundred Twenty five Hundred Dollars for extra services — Mr Hudson moved to postpone the further consideration of the bill till twelve o clock which was carried

Mr Wilson of Fayette from the Committee on Privileges and elections to whom was refered a Bill to be entitled An act to prevent frauds in elections reported the same to the Senate Amended as therein shown which was adopted

Mr Bailey moved to amend the bill further by striking out the fifth section of Bill and the yeas and nays were ordered

Yeas 9. Nays 9

Yeas — Messrs Bailey and Chiles.

Nays — Messrs President, Alston, Andrews Buford Clarke Leach, Dent Farrar, Hudson Hall Jones King Lea Lloyd McAlister, McKay Phillips Rice Rodgers, Rose Smith Terry Thornton Tourman Turner, Watkins Wilson of F Wilson of L and Wannack — the motion was lost — the bill was then read a second time and ordered to be engrossed for a third reading the Yeas and Nays were demanded

Yeas 30. Nays 1

Yeas — Messrs President Alston, Andrews Buford

Clarke, Creagh, Devit, Forman, Hudson, Hall, Jones, King, Lee, Lloyd, M.c Allister, M.c Kay, Oliver, Phillips, Rice, Rodgers, Rold, Smith, Terry, Thornton, Toulmin, Turner, Watkins, Wilson of A. Wilson of Lund, Womack.

Mr. Dailey, Voted in the negative — The bill was ordered to be engrossed for a third reading.

Mr. Rice from the committee on the Judiciary, to which was referred a bill entitled an act to incorporate the Stockton Steam boat and wash house company in the county of Baltimore = reported the same to the Senate without amend= ment, and recommended its passage — The bill was placed among the orders of the day.

On motion of Mr. Creagh, the bill to be entitled an act to incorporate the Stockton Steam boat and wash house company, was taken from among the orders of the day, read a second time, and ordered to be engrossed for a third reading.

Mr. Carlisle of A. from the committee on Privileges & Elections, to whom was referred a resolution, instructing them to enquire into the propriety, of submitting to the people, at the next August Election, whether they prefer annual, or biennial Sessions of the Legislature, reported that Legislation on the subject, was unnecessary. The committee were discharged from the further consideration thereof, and the report concurred in.

Mr. Turner, from the committee on roads, bridges and ferries, to which was referred a bill entitled an act to compel overseers of roads, to discharge the duties imposed upon them by Law, and for other purposes, reported the same to the Senate as inexpedient, believing that the present road law is sufficient, if properly executed, to compel over= =seers, to keep all roads in good order. The bill was placed among the orders of the day, and the committee discharged from the further con= =sideration of the subject.

Mr. Lee from the committee on internal improvements and inland navigation, to whom was referred a bill, to be entitled an act making an appropriation to the Tennessee Canal reported the same back to the Senate without amendment. The bill was placed among the

orders of the day—

Mr Goulmin from the committee on Military Affairs, to whom was referred the petition of the Benton Guards of Lowndes County, praying an act of incorporation, reported a bill entitled an act incorporating the Benton Guards, which was read a first time, the constitutional rule being dispensed with read a second time and ordered to be engrossed for a third reading

On motion of Mr Oliver, the vote refusing to pass a bill entitled an act, to dispense with protest and notice in certain cases, was re-considered— On motion of Mr. Dent, the vote suspending the constitutional rule, was re-considered— Mr. Dent moved to re-consider the vote adopting the amendment to the bill, reported by the Judiciary committee— which was carried— The question then recurred upon the adoption of the amendment reported by the committee— which was lost— The question then recurred on the motion to suspend the constitutional rule— which was carried— The bill was then read a third time— and upon the question being put. "Shall the bill pass?" the yeas and Nays were demanded—

Yeas 30 —

Nays 3 —

Those who voted in the affirmative are, Messrs. President, Alston, Andrews, Bufford, Clarke, Creagh, Dent, Farrar, Henderson, Hall, Jones, King, Lea, Lloyd, McAlister, McConnell, McVay, Winn, Phillips, Reese, Rice, Ross, Smith, Terry, Thornton, Turner, Walrons, Wilson of F. Wilson of S. and Womack.

Those who voted in the negative are Messrs Dailey, Rodgers and Goulmin.

The bill passed, Ordered, that the title of the same remain unchanged, and that it be sent to the House of Reps. for their concurrence

Mr. M^c Vay, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens, residing in township 9. and Range 8. in the County of Monroe, reported a bill, entitled an act, to regulate the collection of debts due by the purchasers of section 16. Township 9. Range 8. in the County of Monroe, which was read a first time, the constitutional rule being dispensed with, was read a second time, and the constitutional rule being further dispensed with, was read a third time and passed the Senate. On motion of Mr. Lea the caption of the bill was amended as follows:- Strike out all after the word "Act" & insert "for the relief of purchasers of 16th sections in this State."

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act to provide perm=anently in future for the subsistence of poor and unfortunate families, was read a second time and ordering it to be engrossed for a third reading. The yeas and nays were demanded

Ayes 18. Nays 14

Those who voted in the affirmative are Messrs Buford Clough Anderson Hall Jones Lea Allister McConnell Phillips Rice Hodges Ross Terry Coulmin Watrous Wilson of H. Wilson of J. and Womack.

Those who voted in the negative are Messrs President. Alston Andrews Clarke Dailey Dent Hannah King Lloyd McVay Shivers Smith Thornton and Turner -- the bill was ordered to be engrossed for a third reading.

Message from the House of Representatives by Mr. Phelan:- Mr. President- The House of Representatives has passed a Bill to be entitled an act to amend the charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile in which the concurrence of the Senate is requested.

Engrossed Bill from the House of Representatives to be entitled an act to amend the charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile, was read

a first time— The Constitutional rule being dispensed with was read a second time— Mr Clay moved to Amend the Bill by striking out the words "upon which they respectively do business" — On motion of Mr Terry the Bill was referred to the Committee on the State Bank

A Bill to be entitled an act to regulate Sheriffs Fees was read a second time the Constitutional having been dispensed with the bill was Considered as engrossed and read a third time and passed—

Ordered that its title remain unchanged and that it be sent to the House of Representatives for its Concurrence

A Bill to be entitled an act for the benefit of J Heniore Hattingues was read a second time the Constitutional rule being dispensed with was read a third time forthwith and the question of its passage the Ayes and nays were demanded.

Ayes 21. Nays 11

Yeas— Messrs President, Clarke Dent Henderson Hall Jones King Leadley Lloyd M Connell McAllister Oliver Phillips Rice Ross Smith, Terry Thornton, Toulmin Turnbull Watsons

Nays— Messrs Alston Andrews Forsyth Dailey Farrar McKay Reese Rodgers Wilson of St Wilson of St Lucie Warnock— the bill passed

Ordered that its title remain unchanged and that it be sent to the House of Representatives for its Concurrence

A Bill to be entitled an act to amend the laws in regard to limitation of actions was read a second time— Mr Phillips moved to insert the word "hundred" between the words "Seven" and "Sections" in the second section which was Carried— The Constitutional rule being dispensed with the bill was read a third time and passed the Senate.

Ordered that its title remain unchanged and that it be sent to the House of Representatives for its Concurrence

Engrossed Bill to be entitled an act for a special election for electing Members to the 29th Congress and for other purposes

was read a third time and on its passage the yeas and nays were demanded
Yeas 21. Nays 12
Those who voted in the affirmative are Messrs President Blackledge Bailey Hamin Hudson Neal Jones Lloyd McAllister McConnell McVay Reese Rice Rodgers Smith Terry Toulmin Turner Wilson of H and Wilson of D.
Those who voted in the negative are Messrs Alston Bradley Buford Dent Lee Oliver Phillips Ross Thornton Watson and Womack — the bill passed
Ordered that its title remain unchanged and that it be carried forthwith by the Secretary to the House of Representatives for its concurrence
Engrossed Bill to be entitled An act to incorporate Amale Academy at Midway in the County of Macon was read a third time and passed.
Ordered that its title remain unchanged and that it be sent to the House of Representatives for its concurrence
Engrossed Bill to be entitled an act for the relief of E. K. Miller and others sureties was read a third time and passed the Senate
Ordered that its title remain unchanged and that it be sent to the House of Representatives for its concurrence
Engrossed Bill to be entitled an act for the relief of Wm Taylor and Abner McGehee was read the third time and passed.
Ordered that its title remain unchanged and that it be sent to the House of Representatives for its concurrence.
Engrossed Bill to be entitled an act to compel Executors and Administrators to pay debts in certain cases was read a third time and passed the Senate
Ordered that its title remain unchanged and that it be sent to the House of Representatives for its concurrence
Engrossed Bill to be entitled an act to incorporate the Factors Pedlers and Warehouse

Company, was read a third time and passed
Ordered that its title remain unchanged and
that it be sent to the House of Representatives
for its Concurrence.

A Bill to be entitled an act to Com
pell overseers of Roads to discharge the duties
imposed upon them by law and for other purposes
was read a second time and on motion of Mr
Neall ~~postponed~~ was postponed indefinitely

A ~~Concurred~~ Bill to be entitled An act
making an appropriation to the Tennessee
canal was read a second time Mr Henry moved
to suspend the constitutional rule for the
purpose of giving the bill a third reading
forthwith Mr Neall moved to postpone
the motion made by Mr Henry till to morrow,
which was last— question recurred upon
motion to suspend the Constitutional rule which
was last the question was then taken upon
ordering said bill to be read a third time
and the yeas and nays were demanded

Yeas 19. Nays 13.

Yeas Messrs President Chamberlain Heiskell
Jones Lea Lloyd McAllister McConnell McKay
Rice Smith Terry Thornton Trousdale Turner
Watkins Wilson of H and Wilson of C

Nays— Messrs Alston Andrews Buford Dailey
Dent Hanna Neal Oliver Phillips Reese
Rodgers Ross and Wamack— the bill was
ordered to be engrossed for a third reading.

Mess[age] from the House of Represen
tatives by Mr Phelan Asst Clerk

Mr President— The House of Representatives
has passed a Bill to be entitled an act to
establish the permanent seat of justice
for the County of Russell in which they
ask the concurrence of the Senate

Engrossed Bill from the House of
Representatives to be entitled an act to
establish the permanent seat of justice for
the County of Rusell, was read a first
time— the Constitutional rule being
dispensed with was read a second time
— the Constitutional rule being further
dispensed with to read a third
time and passed

ordered that its title remain unchanged and that the House of Representatives be acquainted therewith

The hour of time having arrived the Senate took up the bill entitled an act for the payment of the Members of the present General Assembly and for other purposes — the question was then upon striking out the second section which provided and the bill ordered to be engrossed for a third reading.

The Senate then proceeded to the consideration of a motion made by Mr Alston to reconsider a vote refusing to adopt the amendment of the Committee on Privileges and Elections on yesterday and which had been postponed till to day to the bill entitled an act to alter the time of convening the Annual session of the Legislature which motion prevailed — the question then recurred upon the adoption of the Amendment to the bill as reported by the Committee — Mr Creagh moved to amend the amendment by striking out the words "the first Monday in December" — Mr Anderson moved to postpone the further consideration of the motion made by Mr Creagh till to morrow which prevailed

Mr Wilson of A offered the following Resolution:

Resolved by the Senate that the 9th Rule of for the Government of the Senate be and the same is hereby repealed which on motion of Mr Creagh had postponed till to morrow

On motion of Mr Mc Mahon the resolution adopted by the Senate for prohibiting the reception of any more new business during the present session of the Legislature was rescinded for the reception of a particular bill.

Mr Mc Mahon introduced a Bill to be entitled an act amendatory to an act to alter and amend the laws for assessing and collecting the taxes in the County of Butler approved December 8th 1840, which was read a first time the Constitutional rule being dispensed with was read a second time and the Constitutional rule being further dispensed with was read a third time and passed the Senate.

Ordered that its title remain unchanged and that it be sent to the House of Representatives for their concurrence.

On motion of Mr Pico the Senate then adjourned.

Saturday Morning April the 24. 1841

The Senate met Pursuant to adjournment

Mr Wilson of A. from the Committee on Privileges and Elections to whom was referred a Resolution instructing them to inquire into the Expediency of passing a law authorizing and requiring the Sheriffs of the several Counties in this State to take the Vote of the people at the next Annual Election, whether they are in favour of the General Internal Improvement reported that it is inexpedient to Legislate upon the subject. Mr Lea moved that the Senate disagree to the report made by the Committee and the Yeas and Nays were demanded

Yeas 14. Nays 19

Those who voted in the affirmative are Messrs Alston, Bradley, Buford, Dudley, Dent, Hengler, McVay, Oliver, Phillips, Ross, Shorter, Watkins and Wallace

Those who voted in the negative are Messrs President, Clarke, Creagh, Farrar, Hall, Henderson, Jones, Lloyd, McAllister, McConnell, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, Wilson of H. and Wilson of A. The Senate refused to disagree which amounted to a concurrence in the report.

Message from the House of Representatives by Mr Phelan.

Mr President — The House of Representatives has passed Bills of the following titles:

An Act to amend an act entitled an act authorizing the election of an Assessor and Tax Collector for the County of Benton.

An Act to repeal in part an act in relation to 16th Sections approved Feby 3rd 1840 which originated in the Senate.

The House of Representatives has passed a Bill to add Washington County to the tenth Judicial Circuit and for other purposes, which originated in the House of Representatives.

I am also instructed to transmit to the Senate a communication from the Cashier of the Branch Bank at Mobile:

The House of Reps has passed a Bill from the Senate for the relief of E.K. Miller and others as amended & in the form in which they ask the concurrence of the Senate.

Engrossed Bill from the House of Representatives to be entitled an act to add Washington County to the Tenth Judicial Circuit and for other purposes was read a first time — the Constitutional rule being dispensed with was read a second time and on motion of Mr Beech referred to the Committee on the Judiciary

The communication received from the House of Representatives from the Cashier of the Branch Bank at Mobile in relation to the resignation of John B Norris and the election of R Roy Rivers Esqr to the Presidency of said Bank was read and on motion of Mr Phillips referred to the Committee on the Judiciary Committee

The amendment made by the House of Representatives to the Bill entitled an act for the relief of E K Miller deceased and other persons was read and concurred in by the Senate — ordered that the House of Representatives be acquainted therewith

Mr Terry from the State Bank committee to whom was referred an engrossed Bill from the House of Representatives entitled an act to amend the Charters of the Bank of Mobile and the Merchants and Planters Bank of Mobile, reported the same to the Senate without Amendment and recommended it passage — the bill was placed among the orders of the day

Mr Dent moved to take from among the orders of the day the following resolution viz.

Resolved by the Senate that the 9th Rule for the Government of the Senate be and the same is hereby repealed, which was carried — Mr Beech moved to amend the resolution by striking out all after the word resolved" — Mr Hall moved to postpone the further Consideration of the motion made by Mr Beech until Monday next — Mr President decided the motion of Mr Hall to be in order from which decision Mr Wilson of St Clair appeal — the question was then put "shall the decision of the Chair stand as the decision of the Senate" and the yeas and nays were demanded

Yeas 15. Nays 17

Those who voted in the affirmative are Messrs Clarke, Beech Farrar, Beedon, Fleming, Floyd, McAllister, McGraw Reese, Rodgers, Smith, Vandiver, Warren and Weaver

Those who voted in the negative are Messrs Alston Andrews, Buford, Dale, Derrick, Jones, Kay, McConnell, Owen Phillips, Rice, Robertson, Thornton, Watson, Wilson of Ala and Wilson of St C the decision of the President

was refused. Mr Breathitt then withdrew his motion to amend the resolution - the original resolution was then adopted, which repealed the 9th rule of the Government of the Senate, which rule was that "no motion shall be determined on the day it is introduced if one third of the members request that it be deferred to the next day."

Mr Hall moved to take from the table a resolution proposing that with the Concurrence of the House of Representatives the two Houses will adjourn Sine die on saturday the 24th Inst upon which motion the yeas and nays were demanded

Yeas 10. Nays 22

Yeas - Messrs Alston, Breathitt, Bailey, Dent, Hall, King, Lea, M.Allister, Recke, Watkins and Woodward.

Nays - Messrs President, Anders, Binford, Clarke, Farrar, Hendson, Jones, Lloyd, McConnell, McKay, Oliver, Phillips, Rice, Rodgers, Rob Smith, Terry, Thornton, Trulock, Turner, Wilson of H and Wilson of P - The Senate refused to take the resolution from the table.

The Senate then proceeded to the Consideration of the orders of the day.

Engrossed Bill to be entitled An act to prevent frauds in elections was read a third time, the question was "shall the bill pass" and the yeas and nays were called for.

Yeas 24. Nays 7

Yeas - Messrs President, Alston, Blackburn, Breathitt, Farrar, Hendson, Hall, Jones, King, Lea, Lloyd, M.Allister, McConnell, Phillips, Reese, Rice, Rodgers, Smith, Terry, Thornton, Trulock, Turner, Wilson of H and Wilson of P

Nays - Messrs Binford, Bailey, Dent, McKay, Oliver, Rob and Woodward - The bill was passed, Ordered that it's title remain unchanged and that the same be sent to the House of Representatives for its Concurrence

Engrossed Bill to be entitled An act to incorporate the Hockhocking Steam Boat and Manufacturing Company in the County of Baldwin was read a third time and passed, Ordered that its title remain unchanged and

that it be sent to the House of Representatives for their Concurrence.

Engrossed Bill to be entitled an act to Incorporate the Baltimore Guards, was read a third time and passed the Senate.

Ordered that it, title remain unchanged. And that it be carried to the House of Representatives for their Concurrence.

Engrossed Bill to be entitled an act to provide permanently in future for the subsistence of poor and unfortunate Orphans was read a third time. Mr King offered the following resolution relative to the bill to wit.

Resolved, That the bill be referred to a Select Committee, with instructions to do amend it, so as to reduce the number of acres to be exempted from Levity to forty. Mr Perry in the Chair pronounced the resolution out of order, from which decision Mr King took an appeal. The question was put Shall the decision of the Chair stand as the Judgement of the Senate? The yeas and nays were demanded.

Yeas 11, Nays 7

Yeas - Messrs Buford Clarke Dent Henderson Jones Lee Lloyd, McAlister, McConnell, Way, Rice

Nays Messrs Anderson Brent Dailey, Harman King Chew and Reese. The decision of the Chair was sustained. Mr Turner offered an amendment to the bill as follows by way of proviso, Provided further that any person the head of a family living within the Corporate limits of any City or Town shall hold any real estate which shall not be certain in value one thousand Dollars free from Levy, liable to the provisions of this act. Mr Chew moved to amend the amendment by the Turner by striking out the words "one thousand" and inserting in lieu thereof "three hundred" which on the question was then upon the adoption of the amendment as amended and the yeas and nays were demanded

Yeas 10, Nays 10

Yeas - Messrs Anderson Brent Buford Clarke Dailey, King Roselmith, Turner and Watrous.

Nays – Messrs Dailey, Dent, Hanar, Houdson, Hall
Jones, Lea, Lloyd, McAllister, McConnell
McVay, Oliver, Rice, Rodgers, Terry, Thornton
Wilson of H, Wilson of St, and Womack –
the Amendment was lost. Mr Wilson of Fayette
offered the following Amendment to the bill as
unengrossed, viz: Provided the provis-
ions of this act shall only apply to debts con-
tracted in this State – Mr Lea offered the
following amendment to the amendment, viz
and provided also said land shall not be
exempt by reason of the provisions of this
act from any debts contracted previous to
the acquisition of such land which was
adopted – The question recurred upon
the adoption of the Amendment as amended
which prevailed – the question was then
put shall the Bill pass and the yeas
and nays were demanded

Yeas 14. Nays 16

Yeas – Messrs Buford, Cheairs, Houdson, Hall
Jones, Lea, McAllister, McConnell
Rice, Ross, Terry, Toulmin, Wilson of St
and Womack

Nays – Messrs President, Alston, Blanke, Dailey
Dent, Hanar, King, Lloyd, McVay, Oliver, Rodgers
Smith, Thornton, Turner, Watkins, and Wilson
of Lau Rence – the bill was lost.

Engrossed Bill to be entitled an act
making an appropriation to the Tennessee
Canal, was read a third time – and upon
the question of its passage the Yeas and Nays
were demanded

Yeas 18. Nays 12

Yeas – Messrs President, Blanke, Cheairs
Houdson, Jones, Lea, Lloyd, McConnell, McVay
Rice, Smith, Terry, Thornton, Toulmin, Turner
Watkins, Wilson of St, Wilson of Lawrence

Nays – Messrs Alston, Buford, Dailey, Dent, Hanar
Hall, McAllister, Oliver, Rice, Rodgers, Ross and
Womack – the bill passed

Ordered that Gottlieb Baumgardner be
and that he be permitted to address the House
this morning

Engrossed Bill to be entitled an act

for the payment of the members of the present General Assembly and for other purposes, was read the third time — Amendment of Mr Gudger the blank in the first was filled with the word "ten" — The bill was then passed.

Ordered That its title remain unchanged and that it be sent to the House of Representatives for their concurrence

The Senate proceeded to the consideration of a Bill entitled An act to alter the time of convening the Annual Sessions of the Legislature, the consideration of which had been postponed until today — The question was upon the adoption of the amendment reported by the Committee on Privileges and Elections as a substitute for the original bill — Mr Leach moved to amend the substitute by striking out the words "the first Monday in December" and inserting in lieu thereof "the third Monday in November" upon which the yeas and nays were demanded

Yeas 16. Nays 15

Yeas — Messrs President Alston Leach Redmond Bonitt Harris Neal Jones, Lindsay Lloyd McAllister McConnell Rice Rollinson Turner and Vann R.

Nays Messrs Buford Bailey Henderson Jno McKay Olivers Rice Rodgers Rob Smith Terry Thornton Watson Wilson of Hal and Wilson of Da Roos — The motion prevailed — Mr Wade offered an amendment to be followed in the event of the Bill's not passing on the first day of the next session of the General Assembly, which was rejected

Yeas 8. Nays 24

Yeas — Messrs Bailey Harris and Vann R.

Nays — Messrs President Alston Andrews Buford Blanke Leach Bonitt Henderson Jones King Lindsay Lloyd McAllister McConnell McKay Oliver Rice Rodgers Rob Smith Terry Thornton Rollinson Turner Watson Wilson of H and Wilson of D. — The amendment was lost — The question was then taken upon the adoption of the substitute reported by the Committee which was carried — the bill was read a second time on motion of Mr Leach the Constitution should require bills to be read on three several days with the bill read a third time and passed by yeas and nays

Yeas 24. Nays 8.

Those who voted in the affirmative are Messrs President, Alston, Andrews Buford, Clarke, Creagh Dailey, Dent Farran Jones King, Lea Lloyd, McConnell McAllister, Oliver Rose Terry Thornton Doubmin Watrous Wilson of H. Wilson of Jackson and Womack -

Those who voted in the negative were Messrs Hudson Hull, McVay Reese Rice Rodgers Smith and Turner. The bill passed -

Ordered that its title remain unchanged and that it be sent to the House of Representatives for their Concurrence

Engrossed Bill from the House of Representatives entitled An act to amend the Charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile was read a second time - on motion of Mr Doubmin the Constitutional rule was dispensed with the bill was read a ~~2d~~ third time and upon the question "Shall the bill pass" the yeas and nays were demanded

Yeas 20. Nays 6

Those who voted in the affirmative were Messrs Alston Andrews Clarke Creagh Dailey Dent King Lea Lloyd McConnell Oliver Reese Rice Rose Terry Thornton Doubmin Turner Watrous and Womack

Those who voted in the negative were Messrs Buford Hudson McVay Rodgers Smith and Wilson of Fayette - the bill passed -

Ordered that its title remain unchanged and that the House of Representatives be acquainted therewith

Mr Doubmin moved to rescind a resolution adopted by the Senate several days since prohibiting the reception of any more new business during the present session, which was lost.

On motion of Mr (Rice the) Senate then adjourned

Monday morning, April the 26th 1841

The Senate met pursuant to adjournment.

Mr President - The House of Representatives has passed Bills of the following titles to wit

A Bill to amend the Charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile.

An Act for the collection of taxes in the County of Marengo - Amended as therein shown - Caption also amended.

An Act to abolish Brigade encampments and drills in the 10th Brigade and 9th Division of Alabama Militia, amended as therein shown - Caption also amended.

An Act to alter and amend the law for assessing and collecting the taxes in the County of Butler & approved Decr 8th 1840 - Caption amended, in which they ask the concurrence of the Senate - The amendments made by the House of Representatives to each of the bills specified in the Message were severally read and concurred in by the Senate.

Ordered that the House of Representatives be acquainted therewith.

Mr Hodges from the committee on enrolled bills reported as correctly enrolled Joint resolutions of the General Assembly of the State of Alabama in relation to the death of Wm Henry Harrison late President of the United States also a Bill to be entitled an act to authorize the Commissioners of Township 16 Range 17 of Montgomery County to erect suitable buildings for an Academy.

Mr Rice made the following report to wit:

The Judiciary Committee to which was referred a resolution of the Directory of the Branch of the Bank of the State of Alabama at Mobile, relative to the election of a Director for said Bank, to fill the Vacancy of R. Boykin appointed President, have had the same under consideration and have instructed me to report, that agreeably to the third section of the Charter of said Bank it is made the duty of the Directory in cases of Vacancy by the death, resignation or removal of any Director or of the State, to fill such vacancy until the Director so appointed shall hold his office during the unexpired term of such director. Upon consideration of the opinion that the director whose seat is vacated was elected for twelve months from the date of his election, and that it is the duty of the Board of

of Directory to fill said Vacancy and that this General Assembly have no power to do so. Inas much as the Charter of said Bank has made ample provision for the election of a director to fill said Vacancy. Your committee ask leave to be discharged from the further consideration of the subject — The Committee were discharged and the report concurred in

Mr Rice from the Judiciary Committee to whom was referred a Bill entitled An act to add Washington County to the tenth Judicial Circuit and for other purposes, reported the same back, to the Senate, without Amendment.

On motion of Mr Rice the report together with the bill was ordered to lay upon the table.

Mr Smith made the following report to wit:

The Committee on Enrolled bills have examined and found correctly enrolled bills of the following titles to wit:

An Act to amend an act entitled an act authorizing the election of an Assessor and Tax Collector for the County of Benton.

An Act entitled an act to repeal in part an act in relation to 16th Sections approved February 3rd 1844.

An Act entitled An Act for the relief of E. K. Miller deceased and for other persons

Mr Rodgers offered the following resolution which was adopted

Resolved That with the concurrence of the House of Representatives, the two Houses will Convene in the Hall of the House of Representatives within this day at one o'clock, for the purpose of electing a Solicitor for the fourth Judicial Circuit.

On motion of Mr Houdson the resolution adopted by the Senate prohibiting the introduction of any more new business was rescinded for the purpose of allowing the introduction of a particular bill

Mr Hudson introduced a Bill to be entitled An act to authorize the owners of the Steam Mill on Poplar Creek in Franklin County to charge toll for toll which was ~~introduced~~ read the first ~~time~~ time — The Constitutional rule having been dispensed with was read the second time — the

Constitutional rule having been dispensed with further
was considered assengrossed and read the third time
and passed.
Ordered that it's titleremain unchanged and that it
be sent to the House of Representatives for its concurrence.
Mr Keach offered the following resolution
which was adopted
Resolved. That with the concurrence of the House of
Representatives, the two Houses will assemble in the
Hall of the House of Representatives this day at twelve
o'clock for the purpose of electing a Judge of the first
Judicial Circuit.
On motion of Mr Terry, the resolution
adopted prohibiting the introduction of any new
matter arising into the Senate was rescinded for the
introduction of a particular measure
Mr Terry offered the following Preamble and
Joint Resolution, to wit;
Whereas it is provided in the 2nd Section of the fourth article
of the Constitution of the United States, that A person charged
in any State with Treason, felony or other crime who shall
flee from justice and be found in an other State shall on
demand of the executive Authority of the State from which
he fled, be delivered up, to be removed to the State having
jurisdiction of the Crime." — And whereas certain citizens
of the State of New York have been duly charged by affidavit, regu-
-larly made before a qualified Magistrate of the Commonwealth
of Virginia, with having feloniously stolen and carried
away from that Commonwealth a negro slave the proper
-ty of a citizen of Virginia and have fled from justice and
taken refuge in the State of New York — And whereas the Execu-
-tive Authority of Virginia has repeatedly demanded of the
Executive Authority of New York, the surrender and deli-
very of the persons thus charged, and the Executive authority
of New York has refused in open violation of the Constitu
tion of the United States and in utter disregard of public
Justice to comply with this demand. —
Be it therefore resolved by the Senate and House of Repre
sentatives of the State of Maryland in General Assembly Convened
-ed — That the conduct of the Executive Authority of the State
of New York in refusing to comply with the demand of
the Executive Authority of Virginia in a violation of that
solemn Constitutional Compact to which all the States
of this Union voluntarily became parties — a disregard
of Public justice derogatory to the dignity of any State —

— annunciation to the State of Virginia and a dangerous and alarming attack upon Southern rights. —
(Be it further Resolved, By the ~~Senate and House~~ Authority aforesaid That we view the Conduct of our Sister State of Virginia, in her demand upon New York and in the measure of self defence and protection which She has subsequently resorted to as being in Strict Conformity with the principles of the Constitution and as absolutely necessary for the security of those rights guaranteed to her by that sacred instrument.
That during the whole progress of the Controversy She has been Calm, temperate, dignified, making no appeals save to justice and the Constitution — And inasmuch as we feel our interest to be identical with hers in the great question upon which she is at issue with New York, we will make Common cause with her and defend and support her in the stand she has taken. — The preamble and resolutions having been read were adopted unanimously.

Message from the House of Representatives by Mr Phelan —

Mr President — The House of Representatives has concurred in the resolution of the Senate proposing that the two houses assemble in this hall of the House on this day at one o'clock for the purpose of electing a solicitor for the Fourth Judicial Circuit and has amended the same by adding also a Judge for the first Judicial in which the concurrence of the Senate is requested — the Senate concurred in the amendment of the House

Mr. Smith from the committee on enrolled bills, reported that they had examined, and found correctly enrolled, bills of the following titles, to wit:

A bill, to be entitled an act, to establish the permanent seat of justice for the county of Russell.

A bill to be entitled, an act to amend the charters of the Bank of Mobile, and the Planters and Merchants Bank of Mobile.

Message from the House of Representatives by Mr. Phelan:

Mr President: The House of Representatives, has passed a bill to authorize

Attorneys at Law residing within the Territory of Florida, to practice Law in the several Courts of this State)

In which the concurrence of the Senate is requested.

Engrossed Bill from the House of Representatives entitled An Act to authorize Attornies at residing in the Territory of Florida to practice Law in the several Courts of this State was read the first time the Constitutional rule having been dispensed with was read the second time on motion of Mr Brayh referred to the Committee on the Judiciary.

On motion of Mr Buford the resolution adopted by the Senate prohibiting the reception of any more new Business during the present Session was rescinded

Mr Buford introduced a Bill entitled an act for levying a Special tax in the County of Russell, which was read the first time the Constitutional rule having been dispensed with was read the second time - the Constitutional rule having been further dispensed with the bill was read the third time and passed the Senate Ordered that its title remain unchanged and that it be sent to the House of Representatives for its concurrence.

On motion of Mr Jones the vote rejecting a Bill entitled An Act to authorize Attornies at Law residing in the Territory of Florida to practice Law in the several Courts of this State to the Judiciary Committee was reconsidered - the bill was then read the second time - the Constitutional being dispensed with was read the third time and passed the Senate forthwith.
Ordered that its title remain unchanged and that it be sent to the House of Representatives for its Concurrence.

Message from the House of Representatives by Mr Phelan:

Mr President - The House of Representatives has adopted the following resolution - Resolved - That in the concurrence of the Senate the two Houses will assemble in the hall of the of the House on this day at one o'clock for the purpose of electing a Judge of the County Court of Shelby County, in which the concurrence of the Senate is respectfully requested - the Senate Concurred

Message from the House of Representatives by Mr Trundle their principal Clerk.

Mr President - The House of Representatives has

passed a Bill entitled an act for a Special Election for electing members to the 47th Congress and for other purposes — amended as therein shown in which they ask the Concurrence of the Senate

On motion of Mr Dent the first Amendment made by the House was Concurred in which is to strike out the word "fifteen" where it occurs in the third line of section four and insert "ten" — Mr Dent then moved that the Senate do concur in the second and last Amendment made by the House of Representatives which is as follows to come in at the end of the bill to wit: "And be it further enacted, That at the next General election in August, the managers at election precincts throughout the State shall enquire of each voter as he hands in his ticket whether he is ~~for~~ for or against the general ticket system in the election of Members of Congress from this State and that they shall endorse or cause to be endorsed on the back of each ticket the words "for the general ticket" or "district system" as the voter may answer and that return thereof be made at the time and manner herein provided"

Message from the House of Representatives by Mr Phelan

Mr President — I am instructed by the House of Representatives to invite the Senate into the Hall of the House for the purpose of electing a Solicitor for the fourth Judicial Circuit — a Judge for the first Judicial Circuit and a Judge for the County Court of Shelby County

Whereupon the Senate repaired to Hall of the House were seated — Mr President rose and announced the object of the Convening of the two Houses. The two Houses first proceeded to the election of a Solicitor for the fourth Judicial Circuit Gilbert H English Edward A O'Neal and John A Wood being in nomination

Those who voted for Mr English are Messrs Breathitt Dailey Dent and Terry of the Senate and of the House of Representatives Messrs Clements Davis of Bibb Dawson of Tuscaloosa Rice Strode and Wynn 10

Those who voted for Mr O'Neal are Messrs. President Clarke Farran Jones Lloyd McAllister McConnell McVay Oliver Reese Rice Rodgers Smith Toulmin and Turner of the Senate

and of the House of Representatives Messrs Adams Adrian Alexander Bates Bell Blackshear Boyt Davidson Davis of Autauga Dixon Doster Douglass Fleming Fowler Hale Hall Hill Houston Hough Hunter Judge Jones Kelly Langdon Mann McCoy McClannahan McCorkle Lemore McMillion of B. Moore of Madison Morris Perkins Prince Pynes Randolph Roberts Russell Saunders Shanks Smith of S. Smith of L. Spruill Stone Williams and Wilson ——

63

Those who voted for Mr Noe are Messrs Andress Buford Headen King Phillips Ross Thornton Watson Wilson of St and Womack of the Senate and of the House Messrs Speaker Ashurst Blount Bowen Bradley Broughton Campbell Counshaw Griffin of M Griffin of S Hollinger Hutchinson Jemison Kidd King Little Mangum Mallard Marchbanks McCullough McMillion of S Mitchell Moore of Marion Norwood Pegues Peters Peterson Reynolds Simmons Walker of Benton Walker of Lawrence Winston of DeKalb Winston of Limestone Womack and Young ——

45

Mr O'Neal having received a majority of all the votes given was declared duly and constitutionally elected Solicitor for the Fourth Judicial Circuit for the term of four years.

The two houses next proceeded to elect a Judge for the first Judicial Circuit John D. Phelan alone being in nomination.

Those who voted for Mr Phelan are Messrs, President, Andress Buford, Clarke, Enoch, Dailey, Dent, Farrar, Hudson, Jones, King, Lloyd, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rice, Rodgers, Ross, Smith, Terry, Thornton of Coulmin, Turner, Watrous, and Wilson of F. of the Senate — Messrs, Speaker Adams, Adrian, Alexander, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dixon, Doster, Douglass, Fleming, Fowler, Griffin of M. Griffin of S. Hale, Hill, Hollinger, Houston, Hughes, Hunter, Judge, Jemison, Jones, Kelly, Kidd, King, Langdon, Mangum, Mallard, Mann, Marchbanks, McCoy, McClannahan, McCorkle, McCullough, McLemore, McMillion of B. McMillion of S. Mitchell, Moore of Ala. Moore of Mad. Moore of Mar. Morris, Norwood, Pegues, Peters, Peterson, Prince, Pynes, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Shanks, Simmons, Smith of L. Smith of S. Spruill, Stone, Soode, Walker of B. Walker of L. Mann, Williams, Wilson, Winston of Dk. Winston of S. Womack, Wynn and Young of the House of Representatives 113

Mr Phelan having received the whole number of Votes given, was declared by Mr. Speaker duly and Constitutionally elected Judge for the first Judicial Circuit for the term of six years.

The two Houses next proceeded to elect a Judge of the County Court for Shelby County Charles R. Gibbs and Samuel Brasher being in nomination.

Those who voted for Mr Gibbs are Messrs ~~President~~ Andrews Clarke, Dailey Dent, Hanar Hudson, Jones King, Lloyd McAllister, McVay Oliver, Phillips, Rice, Rodgers, Ross, Smith, Terry, Thomton, Toulmin, Turner, Watsons and Wood a majority of the Senate Messrs Speaker Adams, Ashurst, Bates, Bell, Blackshear, Blount Bowen, Bradley, Broughton, Campbell, Clements, Crenshaw, Davidson, Davis of B, Davis of L, Doster, Flemming, Griffin of M, Griffin of S, Hale, Hall, Hollinger, Hunter, Inge, Jemison, Jones Kidd, King, Langdon, Little, Mangum, Mallard, Mann McCoy, McLemore, Mitchell, Moore of D, Moore of Mar, Moore Morris, Norris, Norwood, Pegues, Perkins, Peters, Peterson Prince, Raines, Reynolds, Shanks, Simmons, Spruill Thorde, Walker of L, Wann, Williams, Winston of D, Winston of M, Winston of L, Wooster, Womack Wynn and Young of the House of Representatives ——— 86.

Those who voted for Mr Brasher are Messrs President Creagh and McDonnell of the Senate — Messrs Adrian, Alexander, Cobb, Davis of Autauga, Dyon, Fowler, Hill Houston, Hughes, Kelly, Marchbanks, McCay, McClannahan McCullough, McMillon of B, McMillon of S, Randolph, Rice Roberts, Russell, Smith of S, Stone and Wilson of the House of Representatives ——— 25

Mr Gibbs having received a majority of the whole number of Votes given, was declared by Mr Speaker duly and Constitutionally elected Judge of the County Court of Shelby County for the term of six years.

The Senate then withdrew from the Hall of the House and returned to Senate Chamber — Mr President resumed his Chair and the Senate proceeded to the Consideration of the bill entitled an act for a special election for electing members to the 27th Congress and for other purposes — the question was upon concurring in the ~~Senate~~ second Amendment made by the House of Representatives to the bill —

On motion of Mr Bottrell the further Consideration of the subject was postponed

until 3. O'Clock This evening.
Mr Leathers moved that when the Senate adjourn it adjourn to meet at three O'Clock This evening.
On motion of Mr McConnell the Senate then adjourned

April 26th 1841. Evening Session 3. O'Clock P. M.
The Senate met pursuant to adjournment.
The question was upon concurring ~~therein~~ in the amendment made by the House of Representatives to the Bill entitled an act for a special election for electing members to the 27th Congress and for other purposes — Mr Turner moved to amend the Amendment of the House by striking out the word "next" and inserting "General election in August 1842". Mr Rodgers moved the previous question — the question was put "Shall the main question now be put" and the yeas and nays were demanded

Yeas 13. Nays 16

Those who voted in the affirmative are Messrs Dailey Hazan Jones King McConnell Oliver Phillips Reese Rodgers Ros Watrous Wilson of F and Womack.

Those who voted in the negative are Messrs President Andrus Buford Clarke Creagh Dent Hudson Lloyd McAllister McVay Rice Smith Terry Thornton Toulmin and Turner — the call for the previous question was not sustained — the question then recurred upon the adoption of Mr Turners Amendment and the yeas and nays were demanded

Yeas 15. Nays 14

Yeas Messrs President Creagh Hazan Hudson Jones Lloyd McAllister McConnell Reese Rice Rodgers Smith Terry Toulmon and Turner

Nays — Messrs Andrus Buford Clarke Dailey Dent King McVay Oliver Phillips Ros Thornton Watrous Wilson of F and Womack — the Amendment was adopted

The question then recurred upon concurring ~~the~~ in the Amendment of the House as amended by the Senate and the yeas and nays were demanded

Yeas 14. Nays 13

Those who voted in the affirmative are Messrs President Buford Dailey Hazan Jones Lloyd McAllister McConnell McVay Reese Smith Toulmon Turner and Wilson of Fayette

Those who voted in the negative are Messrs Clarke Creagh Dent Hudson Oliver Phillips Rice Rodgers Ros

– Terry Thorn ton Watson and Womack – The Amendment of the House adopted by the Senate was concurred in.

Message from his Excellency the Governor by his private Secretary I. D. Baker.

Mr President – I am instructed by His Excellency the Governor to inform your honorable body that he has approved and signed the following bills to wit:

A Bill to amend an act entitled an act authorizing the election of an assessor and tax Collector for the County of Benton And

An act to repeal in part an act in relation to 16th Sections approved 3rd of February 1840.

Both of which originated in the Senate

Message from the House of Representatives by Mr Phelan.

Mr President The House of Representatives has passed a Bill from the Senate entitled an act for the relief of purchasers of 16th Sections in this State – amended as therein shown – the Caption also amended – The question was upon concurring in the amendments made by the House of Representatives and the yeas and nays were demanded

Yeas 21. Nays 7

Yeas – Messrs Andres Beach Dailey Dent Farrar Hudson Jones King Lloyd McAllister McConnell McVay Oliver Phillips Rice Ross Smith Terry Thornton Toulmin Watson and Womack

Nays – Messrs President Buford Clarke Rodgers Turner and Wilson of Fayette

Mr Rhea. Message from the House of Representatives by Mr Phelan

Mr President The House of Representatives has passed a Bill to alter and amend the several acts in relation to public roads in the County of Mobile

The House has also passed a Bill from the Senate entitled an act to change an election precinct in the County of Dallas – amended as therein shown – In which the Concurrence of the Senate is requested

Engrossed Bill from the House of Representatives entitled an act to alter and amend the several acts in relation to public roads in the County of Mobile was read the first time – the Constitutional rule being dispensed

Read with no read the second time — the Constitutional rule being further dispensed with was the third time and passed the Senate

Ordered that its title remain unchanged and that the House of Representatives be acquainted therewith.

The Senate Concurred in the Amendments of the House of Representatives to the Bill entitled an act to change an election precinct in the County of Dallas — Concurred also in the Amendment to the Caption

Mr Smith from the Committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles.

An Act to abolish certain Companies in the 10th Brigade and 9th division of Alabama Militia and for other purposes

An Act to amend the Charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile

On motion of Mr Phillips the Senate then adjourned.

Tuesday Morning April the 27th 1841

The Senate met pursuant to adjournment.

Message from the House of Representatives by Mr Phelan

The House of Representatives has passed bills of the following titles which originated in the Senate.

A bill to compensate Elijah Hornburger.

A bill entitled an act to authorize the owners of the Steam Mill on Poplar Creek in Franklin County to charge the usual toll

An Act to incorporate and extend the powers of the Alabama Medical Society.

An Act incorporating the Benton Guards — Amended as therein shown — Caption also amended.

An Act to extend the provisions of the first section of an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches — amended as therein shown, which amendments the Concurrence of the Senate is requested.

The House has adopted Joint resolutions of the Legislature of the State of Alabama in General assembly Convened — Amended as therein shown also

Preamble and Joint resolutions of the General Assembly of the State of Alabama which originated in the Senate.

Terry Thornton Watkins and Womack — The Amendment of the House as amended by the Senate was concurred in.

Message from his Excellency the Governor by his private Secretary I. D. Bailey.

Mr President — I am instructed by His Excellency the Governor to inform your honorable body that he has approved and signed the following bills to wit:

A Bill to amend an act entitled an act authorizing the election of an assessor and tax Collector for the County of Benton And

An act to repeal in part an act in relation to 16th Sections approved 3rd of February 1840.

Both of which originated in the Senate

Message from the House of Representatives by Mr Phelan:

Mr President the House of Representatives has passed a Bill from the Senate entitled an Act for the relief of purchasers of 16th Sections in this State — Amended as therein shown — the Caption also Amended — The question was upon Concurring in the Amendments made by the House of Representatives and the yeas and nays were demanded

Yeas 21. Nays 7

Yeas — Messrs Andrews Bush Dailey Dent Farrar Hudson Jones King Lloyd McAllister McConnell McVay Oliver Phillips Rice Ross Smith Terry Thornton Toulmin Watkins and Womack

Nays — Messrs President Buford Clarke Rodgers Turner and Wilson of Fayette

Mr Rees. Message from the House of Representatives by Mr Phelan

Mr President The House of Representatives has passed a Bill to alter and amend the several acts in relation to public roads in the County of Mobile.

The House has also passed a Bill from the Senate entitled an act to change an election precinct in the County of Dallas — amended as therein shown — In which the Concurrence of the Senate is requested.

Engrossed Bill from the House of Representatives entitled an act to alter and amend the several acts in relation to public roads in the County of Mobile was read the first time — the Constitutional rule being dispensed

ded with was read the second time — the constitutional rule being further dispensed with was the third time and passed the Senate

Ordered that its title remain unchanged and that the House of Representatives be acquainted therewith.

The Senate Concurred in the amendments of the House of Representatives to the Bill entitled an act to change an election precinct in the County of Dallas — Concurred also in the amendment to the Caption

Mr Smith from the Committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles.

An Act to abolish encampment drills in the 10th Brigade and 9th division of Alabama Militia and for other purposes

An Act to amend the Charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile

On motion of Mr Phillips the Senate then adjourned.

Tuesday Morning April the 27th 1841

The Senate met pursuant to adjournment

Message from the House of Representatives by Mr Phelan

The House of Representatives has passed bills of the following titles which originated in the Senate.

A bill to compensate Elijah Hornburger.

A bill entitled an act to authorize the owners of the steam Mill on Poplar Creek in Franklin County to change the site for toll

An Act to incorporate and extend the powers of the Alabama Medical Society.

An Act incorporating the Benton Guards — Amended Thereon Shown — Caption also amended.

An Act to extend the provisions of the first section of an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches — amended as therein shown, which amendments the Concurrence of the Senate is requested.

The House has adopted Joint resolutions of the Legislature of the State of Alabama in General assembly convened — amended as therein shown also

A resolution and Joint resolutions of the General Assembly of the State of Alabama which originated in the Senate.

The House of Representatives disagrees to the amendment made by the Senate to its amendment to the bill for a special election for electing members to the 29th Congress and for other purposes.

The House has passed a bill which originated in the Senate entitled An act for levying a special Tax in the County of Russell

The House of Representatives has passed bills which originated in the House of the following titles

An Act to Compensate Daniel Lovejoy

An Act to Amend the Charter of the City of Tuskaloosa in which the concurrence of the Senate is requested

The amendments made by the House to the bills entitled an act incorporating the Benton Guards. An Act to extend the provisions of 7th section of an act entitled an act to extend the time of indebtedness to Bank of the State of Alabama and its several Branches were read and concurred in by the Senate.

The Senate also concurred in the amendment made by the House to the Joint Resolutions of the General assembly of the State of Alabama

The question was then taken upon the House's disagreement to the amendment made by the Senate to the amendment of the House of Representatives to the ~~bill~~ bill entitled an act for a special election for electing members to the 29th Congress and for other purposes

Mr Anderson moved that the Senate recede from its amendment to the bill and the yeas and nays were demanded.

Yeas 21. Nays 3

Yeas Messrs President Anderson Bufford Clarke Bailey Dehit Franklin Henderson Jones King Lloyd McAlister Ward Oliver Phillips Reese Rice Roby Smith Terry Thorn Tom Williams Wilson of Jefferson

Nays Messrs Lovejoy Saunders and Turner the motion to recede prevailed. The question then recurred upon concurring in the Amendment made by the House of Representatives Mr Terry moved that the Senate disagree to the amendment

and the yeas and nays were demanded
Yeas 6. Nays 21
Those who voted in the affirmative are Messrs President Breach Rice Berry Goodwin and Watrous.
Those who voted in the negative are Messrs Andrews Buford Clarke Dailey Dent Farran Hudson Jones King Lloyd McAllister McConnell McVay Oliver Phillips Rees Rofs Smith Thornton Turner Wilson of St and Womack — The Senate refused to disagree which amounted to a concurrence by the Legislature in the Amendment.
Engrossed Bill from the House of Representatives entitled an act to compensate Daniel Gore was read the first time the constitutional rule being dispensed with was read the second time — and the constitutional rule being further dispensed with was read the Third time and passed —
Ordered that its title remain unchanged and that it be sent to the House of Representatives
Engrossed Bill to be entitled an act to amend the Charter of the City of Lus Kaloosa was read the first second and third times for the action and passed the Senate
Ordered that its title remain unchanged and that the House of Representatives be acquainted therewith
Mr Wilson of Fayette moved that the Senate take up from the table a resolution proposing that the two Houses adjourn sine die on Saturday the 24th Inst and the yeas and nays were demanded
Yeas 16. Nays 10.
Yeas — Messrs President Andrews Clarke Dailey Dent Farran Hudson King Lloyd McConnell McVay Phillips Rees Rofs Wilson of St and Womack.
Nays — Messrs Buford Jones Oliver Rice Smith Berry Thornton Goodwin Turner and Watrous — The resolution was ordered to be taken up — Mr Wilson of St then moved to amend the resolution by striking out Saturday the 24th Inst at 12 o'clock M. and insert 9 o'clock P. M of this day — Mr Turner called for a division of the question which was first taken upon striking out which prevailed — Mr Turner moved to fill the Blank with nine to morrow morning and the yeas and nays were demanded
Yeas 16. Nays 17
Those who voted in the affirmative are Messrs Andrews Buford McVay Phillips Rice Smith Berry Thornton Turner and Watrous.
Those who voted in the negative are Messrs President Clarke Breach Dailey Dent Farran Hudson Jones

King Lloyd McConnell Oliver Reese Rob Toulmin Wilson of Fayette and Mann ok — the motion to fill with nine O'clock to-morrow was lost.

Mr Wilson of Fay moved to fill the blank with nine O'clock P.M. of this day. Mr Phillips moved ten O'clock — Mr Lenny moved to fill with twelve O'clock — the question was first taken upon Mr Lenny's motion which was lost — the question then recurred upon the motion of Mr Phillips which was Carried — the resolution as amended was then adopted.

Mr Smith from the Committee on enrolled bills reported as correctly enrolled bills of the following titles to wit.

An Act entitled an act to change an election precinct in the County of Dallas and for other purposes

An Act for the relief of purchasers of certain sixteenth sections in this State.

An Act to authorize Attorneys at law residing in the Territory of Florida to practice law in the several Courts of this State.

An Act amendatory of an act entitled an act to alter and amend the law for assessing and collecting the Taxes in the County of Benton approved Dec 8th 1840.

An Act for the collection of taxes in the County of Marengo and for other purposes

Message from His Excellency the Governor by his private Secretary, A D Bagby.

Executive Department
Tuskaloosa April 26th 1841

Sir — I have the honor to inform the Senate that the Honorable Jno. A. Rowe did on the 24th Inst resign the office of Judge of the County Court of Franklin County and that said office is now vacant

Hon. A L F Cottell A P Bagby
President of the Senate.

The message was read and laid upon the table.

Mr Hudson offered the following resolution

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House on this day Tuesday the 27th Inst at the hour of 12 o'clock M for the purpose of electing a Judge of the County Court of the County of Franklin — Mr Lenny moved to lay the resolution on the table which was

lost— The resolution was then adopted.

Message from the House of Representatives by Mr Whelan.

Mr President— The House of Representatives has passed a Bill to amend the Charter of the Town of Decatur in which the concurrence of the Senate is requested.

Engrossed Bill to be entitled an act to amend the Charter of Decatur was read the ~~secon~~ first and second time for the 4th— Mr Rice moved to amend the bill by striking out the word "bill" and inserting "act" which was adopted. The constitutional rule was then further dispensed with the bill was read the third time and passed) — Mr Rice moved to amend the Caption as follows. A Bill to be entitled an act to amend an act entitled an act to Incorporate the Town of Decatur in the County of Morgan approved 4th of January 1841— The House of Representatives was then acquainted therewith.

Message from the House of Representatives by Mr Whelan.

Mr President— The House of Representatives has adopted Joint resolutions of the General assembly concerning purchasers of sixteenth sections in which the concurrence of the Senate is requested.

The House of Reps has concurred in the resolution of the Senate proposing that the two Houses assemble in the Hall of the House on this day at 12 o'Clock for the purpose of electing a Judge for the County Court of Franklin County— and has amended the same by striking 12 o'clock M and inserting 4 o'clock P. M— On motion of Mr Terry the resolution proposing to go into the election of a Judge of the County Court of Franklin County was laid upon the table

Engrossed Joint resolutions from the House of Representatives of the General assembly concerning purchasers of sixteenth Sections was read a first time— The constitutional rule being dispensed with was read the second time— Mr Sanders moved the following amendments to the bill "and the purchasers of section Sixteen in Township 9 Range 8 in the Cahaba Land district in the County of Monroe" which was adopted— The Constitutional rule being dispensed with was read the third time and passed Ordered that it's title remain unchanged and that the House of Representatives be acquainted therewith.

Message from the House of Representatives by Mr Phelan
Mr President — The House of Representatives has passed a Bill to incorporate the Warrenton Male and Femal academy in the County of Dallas in which the concurrence of the Senate is requested —

The proposed Bill from the House of Representatives entitled An act to Incorporate the Warrenton Male and Femal Academy in the County of Dallas was read the first second and third times and passed the Senate for the same —

Ordered that its title remain unchanged and that the House of Representatives be acquainted therewith

Message from the House of Representatives by Mr Phelan

Mr President — The House of Representatives has passed a Bill for the payment of the members of the present General assembly and for other purposes and has amended the same as therein shown.

The House has also adopted a memorial and joint resolutions of the General assembly in relation to a Land district in the Cherokee Nation which originated in the Senate.

The Senate Concurred in the Amendment made by the House to the bill for the payment of the members of the present General assembly and for other purposes. Ordered that the House be acquainted therewith.

Mr Jones moved that when the Senate adjourn it will adjourn till 4 o'Clock P. M.

Mr Turner offered the following preamble and resolutions to wit:

Whereas the Hon Samuel Walker a member from the County of Madison and late Speaker of the House of Representatives hath departed this life since the adjournment of the last Session of the General assembly.

And Whereas the Senate entertaining a high regard for the memory of the deceased deeply deplore his death

Therefore Be it resolved unanimously that the Senate sympathise most sincerely with the family and friends of the deceased in the mournful dispensation of providence.

2nd Resolved that as a mark of respect for the memory of the deceased and regard for his private and public worth the members of this Senate will wear Crape On the left arm for thirty days

3rd Resolved- That the President of the Senate address a letter of condolence to the family of the deceased, accompanied with a copy of the foregoing preamble and resolutions — the preamble and resolutions having been read were adopted without a dissenting voice

On motion of Mr Dent the Senate then adjourned

Evening Session 4 O' Clock P.M.

The Senate met pursuant to adjournment.

Message from the House of Representatives by Mr. Phelan Asst Clerk.

Mr President - The House of Representatives has passed bills of the following titles to wit.

An Act for the relief of Charles A Hopkins.

An Act to repeal an act entitled An Act to raise a fund for the payment of Jurors for the County of Pike and for other purposes.

An Act to increase the revenue fund.

The House of Representatives has concurred in the amendment made by the Senate to the resolutions Concerning purchases of 16 sections.

The House has also passed Bills of the following titles which originated in the House

An Act to levy a special tax for the County of Limestone:

An Act to repeal in part An act in relation to 16th Sections

In which the Concurrence of the Senate is requested

Engrossed Bill from the House of Representatives entitled an act to repeal in part an act in relation to sixteenth sections approved February 4th 1840 was read the first time and on motion of Mr Dent laid upon the table.

Engrossed Bill from the House entitled An act to levy a special tax on the County of Limestone was read the first time — the Constitutional rule being dispensed with it was read the second time — and the Constitutional rule being further dispensed with it was read the third time and passed ordered that it title be as amended and that the House of Representatives be requested thereto with

Engrossed Bill to be entitled an act to increase the Revenue fund was read the first

time— the Constitutional rule being dispensed with, was read the second time and the rule being further dispensed with, was read the third time and passed—
ordered that it's title remain unchanged and that the House of Representatives be acquainted therewith

Engrossed Bill from the House to be entitled an act for the relief of Charles A Hoppin, was read the first time— Mr Phillips moved to dispense with the constitutional rule requiring bills and joint resolutions to be read on three several days which was lost— the question was thereupon ordering the bill to a second reading on to morrow which was lost.

Engrossed Bill from the House of Representatives to be entitled an act ~~for~~ to raise a fund for the payment of Jurors for the County of Pike. Approved 21st Dec 1840 and for other purposes was read the first time the Constitutional rule being dispensed with was read the second time forthwith— on motion of Mr Andress the bill was amended by striking out the second section— the Constitutional was then further dispensed with and the bill was read the third time and passed.
Ordered that it's title remain unchanged and that the House of Representatives be acquainted therewith.

Mr Smith from the Committee on Enrolled bills reported as correctly enrolled bills of the following titles to wit:

An Act to compensate Elijah Homberger

An Act for the Collection of Taxes in the County of Marengo and for other purposes.

An Act for the payment of the Members of the present General assembly and for other purposes

Joint Resolutions of the General assembly of the State of Alabama.

An Act for a special election for electing Members to the 27th Congress and for other purposes

An Act to authorize the owners of the Steam Mill on Poplar Creek in Franklin County to charge the Sixth for toll.

Message from the House of Representatives by Mr Phelan
Mr President — The House of Representatives has passed bills of the following titles to wit:
An Act to amend the Laws in relation to the Harbour of Mobile,
An Act to declare Bear Creek a public highway.
Engrossed Bill to be entitled An act to amend the Laws in relation to the Harbour of Mobile was read the ~~Second time~~, first time the Constitutional rule being dispensed with was read the second and third times and passed the Senate forthwith
Ordered that it titles remain unchanged and that the House of Representatives be acquainted therewith.
Engrossed Bill from the House of Representatives entitled An act to declare Bear Creek a public highway was read the first time — Mr Reese moved to lay the bill on the table which was lost — The Constitutional rule having been dispensed with the bill was read the second time forthwith and on motion of Mr Cottrell postponed indefinitely.
Message from his Excellency the Governor by his private Secretary D D Bagby.
Mr President: I am instructed by the Governor to inform your Honorable body that he has approved and signed Bills of the following titles to wit:
An "Act to abolish enrolment drills in the 10th Brigade 9th Division of Alabama Militia and for other purposes."
An "Act to amend the Charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile"
An "Act amendatory of an act entitled 'an act to alter and amend the law for assessing and collecting the Taxes in the County of Butler' approved December 8th 1840
An Act to change an election precinct in the County of Dallas and for other purposes.
Mr Farrar from the Select Committee to whom was referred a Bill to be entitled an act to change the time of holding the Circuit Court of the County of Jefferson reported that it is inexpedient to legislate upon the subject at this time — the bill was placed among the orders of the day.
Message from the House of Representatives by Mr Phelan Assistant Clerk:
Mr President — The House of Representatives has passed a Bill to change the time of holding

the Chancery Court for the Southern Division at Monroeville in which the Concurrence of the Senate is solicited.

Engrossed Bill from the House of Representatives entitled an act to change the time of holding the Chancery Court for the Southern division at Monroeville was read the first time The Constitutional rule being dispensed with was read a second time — the rule being further dispensed with it was read the third time and passed forthwith

Ordered that its title remain unchanged and that the House of Representatives be acquainted therewith

Mr Smith from the Committee on enrolled bills reported as correctly enrolled bills of the following titles to wit:

An Act for levying a special tax in the County of Russell.

An Act to amend the Charters of the Bank of the State of Alabama and its several branches

A Memorial and Joint Resolutions of the General assembly of the State of Alabama in relation to a land district in the Cherokee nation

On motion of Mr Phillips the Senate then adjourned.

Wednesday Morning April 28th 1841

The Senate met pursuant to adjournment

Message from the House of Representatives by Mr Phelan.

Mr President — The House of Representatives has passed a Bill to compensate certain persons therein named, in which the Concurrence of the Senate is requested

Engrossed Bill to be entitled an act to compensate certain persons therein named, was read the first time — the constitutional rule being dispensed with was read the second time and on motion of Mr Phillips laid upon the table.

Mr Ross from the Committee on enrolled bills reported as correctly enrolled, a Bill entitled an act to change the time of holding the Chancery Court for the Southern Division at Monroeville

Mr Smith from the committee on enrolled bills reported that they had examined and found correctly enrolled bills of the following titles to wit:

An Act to Incorporate and extend the powers of the Alabama Medical Society.

Joint Resolutions of the Legislature of the State of Alabama in General Assembly Convened.

An Act to Incorporate the Warrenton Male and Female academy in the County of Dallas.

An Act to amend the Charter of the City of Tuskaloosa

An Act to Compensate Daniel Lowe

An Act incorporating the Tuscumbia Guards and for other purposes

Mr Dent offered the following resolution

Resolved That with the Concurrence of the House of Representatives the two Houses of this General assembly will adjourn this day the 28th Inst at 12 o'Clock M sine die which was adopted.

Mr Smith from the Committee on enrolled bills reported as correctly enrolled bills of the following titles to wit:

An Act to alter and amend the several acts in relation to public roads in the County of Mobile.

Joint Resolutions of the General assembly concerning purchasers of 16th sections

Mr McVay offered the following resolution which was adopted.

Resolved That there be a Committee of three (Senators) appointed to act Jointly with such Committee as is or may be appointed on the part of the House of Representatives, to wait on his Excellency the Governor and inform that the two Houses have Completed the business before them and are now ready to adjourn sine die if his Excellency has no further Communication to make to them — Messrs. McVay Rice and Thornton were appointed said Committee on the part of the Senate

On motion of Mr McVay Resolved that the Secretary of the Senate be instructed to inform the House of Representatives that the Senate have gone through and Completed the business before them and are ready to adjourn sine die.

Message from the Governor by his private Secretary Mr Bagby.

Mr President — I am instructed by His Excellency

the Governor to inform your honorable body that he has approved and signed bills of the following titles to wit:

An Act for the special election for electing Members to the 27th Congress and for other purposes.

An Act to amend the Charters of the Bank of the State of Alabama and its several branches

A Memorial and Joint resolutions of the General assembly of the State of Alabama in relation to a Land district in the Cherokee nation

An Act for the payment of the members of the present General assembly and for other purposes

An Act to compensate Elijah Hornberger

An Act for the Collection of Taxes in the County of Marengo and for other purposes, and

An Act for levying a special Tax in the County of Russell.

All of which originated in the Senate

Mr Terry offered the following resolution

Resolved - That the thanks of the senate is due the Honorable P. L. Cottrell, for the able and dignified manner in which he has discharged the duties of Presiding officer of this body. which was adopted unanimously.

Mr Ross from the Committee on Enrolled Bills reported as correctly enrolled Bills of the following titles to wit:

An Act to increase the Revenue Fund

An Act to amend an act entitled an act to Incorporate the Town of Decatur in the County of Morgan approved 9th of January 1841. and

An Act to levy a special tax in the County of Limestone.

Message from the House of Representatives by Col J. B Dunstal principal Clerk,

Mr President — The House of Representatives. Have concurred in the Resolution from the Senate proposing to adjourn at the hour of twelve M. this day, and have appointed a Committee to wait upon the Governor and inform him that the two Houses are now ready to adjourn Sine die if he has no further Communication to make to them. Consisting of Messrs Wynn Saunders and Douglass on the part of the House - the Message was laid upon the Table.

On motion of Mr Dent the Bill entitled an act to compensate certain persons therein named was ordered to be taken from the table— On motion of Mr Dent the bill was then referred to the Committee on accounts and claims.

Message from his Excellency the Governor by Ald Bagby

Mr President:— I am requested by the Governor to inform your Honorable body that he has approved and signed bills of the following titles to wit:

An "Act incorporate the Benton Guards and for other purposes.

Joint Resolutions of the Legislature of the State of Alabama in General assembly convened And

An Act to incorporate and extend the powers of the Alabama Medical Society.

All of which originated in the Senate.

Mr McVay made the following report to wit:

The Committee appointed on the part of the two houses to wait on his Excellency the Governor and inform him that the two Houses have completed the business before them and will be ready to adjourn sine die this day at 12 O'Clock if has no further communication to make to them have performed the duty assigned to them— and received for answer that he has no further Communication to make to them.

Mr Cox made the following report

The Committee on Enrolled Bills have examined and found correctly enrolled bills of the following titles to wit:

An Act to raise a fund for the payment of jurors for the County of Pike. approved Dec 21st 1846 and for other purposes.

An Act to amend the laws in relation to the Mar shal of Mobile.

Mr Hudson from the Committee on accounts and Claims to whom was referred an Engrossed Bill from the House of Representatives to be entitled an act to Compensate certain persons therein named reported the same to the Senate recommending the passage thereof— that it was improper to Legislate upon the subject for the want of sufficient data to investigate the various claims included in the provisions of the bill and asked to be discharged from the further Consideration thereof.— The Committee were discharged and the Bill read a second time

Mr McVay moved to postpone the bill indefinitely and the yeas and nays were demanded

Yeas 8 Nays 8

Those who voted in the affirmative were Messrs Dent Hayne Hudson Lloyd McVay Smith Terry and Watkins

~~Those who voted in the affirm negative are Messrs~~

Mr McVay moved to postpone the bill indefinitely which was lost — Mr Cottrell moved to amend the bill as follows to wit: Strike out Sixty seven out of the claim of Thomas P Simmons in the 6th section of the bill and insert twenty nine which was adopted — Mr Cottrell moved to amend the bill further by striking out all after the enacting clause & except the appropriation made to Thomas P Simmons Sailor of Lowndes County which was lost — Mr Cottrell then moved to dispense with the Constitutional rule for the purpose of giving the Bill a third reading forthwith which was lost — the Bill was then laid upon the table

Message from the House of Representatives by Col J B Dunstall

"Mr President The House of Representatives has concurred in the resolution of the Senate proposing to that the two Houses adjourn sine die at 12 o'clo M. of this day — and are now ready to adjourn"

Mr Hudson moved that the Senate do now adjourn sine die

Mr President then rose, and in an eloquent and impressive manner, expressed his satisfaction at the harmony and good feeling which had been manifested between Senators during the few days they had been together returned his acknowledgements for the indulgence and courtesy with which they had sustained him in the discharge of his duties, and announced the Senate adjourned sine die

Attest

P Hill
Secretary of the Senate.

J F Cottrell
President of the Senate